



# Federal Register

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**Wednesday**

**April 11, 2001**



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### WASHINGTON, DC

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**RESERVATIONS:** 202-523-4538



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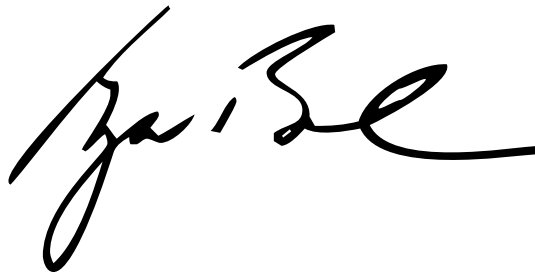
The President

## **Amendment to Executive Order 13202, Preservation of Open Competition and Government Neutrality Towards Government Contractors' Labor Relations on Federal and Federally Funded Construction Projects**

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Federal Property and Administrative Services Act, 40 U.S.C. 471 *et seq.*, and in order to (1) promote and ensure open competition on Federal and federally funded or assisted construction projects; (2) maintain Government neutrality towards Government contractors' labor relations on Federal and federally funded or assisted construction projects; (3) reduce construction costs to the Federal Government and to the tax payers; (4) expand job opportunities, especially for small and disadvantaged businesses; (5) prevent discrimination against Government contractors or their employees based upon labor affiliation or lack thereof; and (6) prevent the inefficiency that may result from the disruption of a previously established contractual relationship in particular cases; thereby promoting the economical, nondiscriminatory, and efficient administration and completion of Federal and federally funded or assisted construction projects, it is hereby ordered that Executive Order 13202 of February 17, 2001, is amended by adding to section 5 of that order the following new subsection:



- (c) The head of an executive agency, upon application of an awarding authority, a recipient of grants or financial assistance, a party to a cooperative agreement, or a construction manager acting on behalf of the foregoing, may exempt a particular project from the requirements of any or all of the provisions of sections 1 and 3 of this order, if the agency head finds: (i) that the awarding authority, recipient of grants or financial assistance, party to a cooperative agreement, or construction manager acting on behalf of the foregoing had issued or was a party to, as of the date of this order, bid specifications, project agreements, agreements with one or more labor organizations, or other controlling documents with respect to that particular project, which contained any of the requirements or prohibitions set forth in sections 1(a) or (b) of this order; and (ii) that one or more construction contracts subject to such requirements or prohibitions had been awarded as of the date of this order.

A handwritten signature in black ink, appearing to read "Bill Clinton", is centered on the page.

THE WHITE HOUSE,  
*April 6, 2001.*

# Rules and Regulations

Federal Register

Vol. 66, No. 70

Wednesday, April 11, 2001

This section of the FEDERAL REGISTER contains regulatory documents having general applicability and legal effect, most of which are keyed to and codified in the Code of Federal Regulations, which is published under 50 titles pursuant to 44 U.S.C. 1510.

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## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

#### 7 CFR Part 946

[Docket No. FV00-946-1 FIR]

#### Irish Potatoes Grown in Washington; Exemption From Handling and Assessment Regulations for Potatoes Shipped for Experimental Purposes

**AGENCY:** Agricultural Marketing Service, USDA.

**ACTION:** Final rule.

**SUMMARY:** The Department of Agriculture (Department) is adopting, as a final rule, without change, the provisions of an interim final rule exempting potatoes shipped for experimental purposes from the handling and assessment regulations of the Washington State potato marketing order. The marketing order regulates the handling of potatoes grown in Washington, and is administered locally by the State of Washington Potato Committee (Committee). Experimental shipments of potatoes by handlers utilizing new and innovative packaging, including the commingling of different varieties of potatoes in the same package, or shipments of non-traditional experimental varieties of potatoes will continue to be exempt from the grade, size, maturity, pack, inspection, and assessment requirements of the marketing order. By relaxing the requirements on shipments of such potatoes, this rule continues to provide the industry with greater marketing flexibility and with the ability to investigate new methods for increasing producer returns. It also is expected to provide consumers with more choices in buying fresh potatoes.

**EFFECTIVE DATE:** May 11, 2001.

**FOR FURTHER INFORMATION CONTACT:**

Teresa L. Hutchinson, Northwest Marketing Field Office, Marketing Order

Administration Branch, Fruit and Vegetable Programs, AMS, USDA, 1220 SW Third Avenue, suite 385, Portland, Oregon 97204-2807; telephone: (503) 326-2724, Fax: (503) 326-7440; or George Kelhart, Technical Advisor, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525-S, P.O. Box 96456, Washington, DC 20090-6456; telephone: (202) 720-2491, Fax: (202) 720-5698.

Small businesses may request information on complying with this regulation by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525-S, P.O. Box 96456, Washington, DC 20090-6456; telephone: (202) 720-2491, Fax: (202) 720-5698, or E-mail: Jay.Guerber@usda.gov.

**SUPPLEMENTARY INFORMATION:** This rule is issued under Marketing Agreement No. 113 and Marketing Order No. 946, both as amended (7 CFR part 946), regulating the handling of Irish potatoes grown in Washington, hereinafter referred to as the "order." The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the "Act."

The Department is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is not intended to have retroactive effect. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with the Secretary a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing the Secretary would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal

place of business, has jurisdiction to review the Secretary's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This rule continues in effect exemptions for shipments of potatoes for experimentation from the grade, size, maturity, pack, inspection, and assessment requirements of the marketing order. By relaxing the requirements on new and innovative packaging and on non-traditional varieties of fresh potatoes, this rule continues to provide the industry with greater marketing flexibility and the ability to investigate new methods for increasing producer returns, and provides consumers with more choices in buying fresh potatoes. The Committee unanimously recommended the exemption for experimental packs and varieties at its meeting held on June 8, 2000.

Section 946.51 of the order provides authority for the Committee to recommend the implementation, modification, suspension, or termination of regulations. Section 946.52 provides the necessary authority for the Department to issue regulations, and to modify, suspend, or terminate such regulations. Furthermore, § 946.54 provides authority for the modification, suspension, or termination of handling regulations for the purpose of facilitating the handling of potatoes for special purposes, while § 946.55 provides for adequate safeguards to prevent such special purpose shipments from entering unauthorized outlets. The order's handling regulations, § 946.336, establish the grade, size, maturity, pack, and inspection requirements for potatoes grown in Washington. The assessment rate for Washington potatoes is established in § 946.248, pursuant to § 946.41.

Handlers have expressed a desire to experiment with shipping potatoes of different varieties in the same container. This has been a problem, however, since the order requires that all potato varieties, as a minimum, meet U.S. No. 2 grade as defined in the U.S. Standards for Grades of Potatoes. These standards specify that a particular lot of potatoes has "similar" varietal characteristics. Although the order's handling regulations do allow the mixing of any size and variety in a 3-pound or smaller container, handlers have been unable to

ship a large enough quantity of the experimental packs to determine market feasibility. With this action, however, marketers will have the ability to experiment with various packs, including containers with a mixture of different potato varieties and sizes.

Prior to this action, the order's regulations required that all potatoes shipped to the fresh market, with the exception of those meeting the minimum quantity and special purpose exemptions, be inspected and assessed. The handling regulations did not provide adequate relief for commercially viable shipments of non-traditional or experimental potato varieties that could not meet minimum inspection requirements. Several producers and handlers within the production area are attempting to develop and market new varieties of potatoes. Some of the new varieties have irregular shapes or are small in size and will not meet minimum order requirements. In order to market these unique potatoes, handlers were required to utilize the order's minimum quantity exemption, which allows shipments up to, but not in excess of, 500 pounds of potatoes daily without regard to assessment and inspection requirements. This had prevented handlers from shipping larger quantities of these potatoes and thus adequately determining marketability and consumer acceptance. By allowing handlers to ship the quantities of new varieties they believe are necessary to determine marketability, this rule adequately addresses this issue.

As is currently required for all special purpose shipments, handlers shipping experimental potato packs or experimental potato varieties will need to apply for and obtain a special purpose certificate from the Committee. To help ensure compliance with the revised provisions and to statistically track the shipments of experimental potato packs and varieties, the Committee will require that shipments made pursuant to this action be reported on the Special Purpose Shipment Report, as modified to include potatoes shipped for experimental purposes. Such reports will help the Committee in determining whether applicable requirements have been met and whether proper disposition has occurred, and will be furnished to the Committee for each shipment made pursuant to the applicable Special Purpose Certificate. The Committee's intent is to keep reporting requirements at the minimum level necessary to monitor compliance while determining the viability and extent of any changes

in the packaging and marketing of Washington potatoes.

The Committee contends that the purpose of the order is to provide quality assurance and minimum grade standards for Washington potatoes and not to inhibit innovation. This rule thus provides the Washington potato industry with the ability to seek new and innovative ways to market its fresh potato crop without the costs and constraints of regulation that otherwise provide a necessary service to the industry. This rule provides the industry with the flexibility to explore new markets while enhancing product development, and helps in identifying niche markets which may benefit producers, handlers, buyers, and consumers of Washington State potatoes. Should a particular experimental pack or variety become commercially significant and some form of quality control or assessment reinstatement be needed, the Committee will consider further changes in the exemptions.

As referenced earlier, the Committee currently utilizes two forms for special purpose shipments. These are the Shippers Application for Special Purpose Certificate and the Special Purpose Shipment Report. To conform to this terminology, this rule also replaces the term "Certificate of Privilege" with the term "Special Purpose Certificate" wherever it appears in the Rules and Regulations and Handling Regulations established under the order.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities. Accordingly, AMS has prepared this final regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 40 handlers of Washington potatoes who are subject to regulation under the marketing order and approximately 340 Washington potato producers in the regulated area. Small agricultural service firms are defined by the Small Business Administration (13 CFR 121.201) as those having annual receipts of less than \$5,000,000, and small agricultural

producers are defined as those having annual receipts of less than \$500,000. A majority of these handlers and producers may be classified as small entities, excluding receipts from other sources.

This rule continues in effect exemptions for shipments of potatoes shipped for experimentation from the grade, size, maturity, pack, inspection, and assessment requirements prescribed under the regulations of the marketing order regulating the handling of potatoes grown in Washington. Pursuant to authority in §§ 946.51, 946.52, and 946.54, at its meeting on June 8, 2000, the Committee unanimously recommended that this exemption for experimental potato packs and varieties be added under § 946.336(d),

#### **Special Purpose Shipments**

By relaxing the regulations, this rule continues to provide the Washington potato industry with the enhanced ability to seek new and innovative methods of marketing its fresh potato crop. This rule continues to provide the industry with the flexibility to explore new markets while enhancing product development, and helps to identify niche markets which may benefit producers, handlers, buyers, and consumers of Washington State potatoes.

The Committee believes that this rule will continue to have a positive economic impact on the Washington potato industry. Producers and handlers will be able to concentrate on developing innovative new packaging and marketable new potato varieties without the costs associated with inspection and administrative assessments, as well as most of the costs associated with grading. Although not having specific information regarding the volume of potatoes that will be marketed through this exemption, the Committee estimates that the initial volume being shipped will be low and thus will have little negative impact on Committee assessment income. However, since one of the objectives of this action is to increase the utilization of fresh potatoes produced in Washington, the Committee will consider changing the handling regulation and assessment requirements in the future, if needed, to help ensure quality control and adequate Committee income if the experimental shipments become commercially viable.

The current assessment rate is \$0.002 per hundredweight of potatoes handled. Also, the cost of inspection under the marketing order is \$0.06 per hundredweight of potatoes inspected. Handlers, both small and large, shipping

potatoes under the experimental shipment exemption will not incur these costs. Any savings accrued will be proportional to the quantities of potatoes shipped under the experimentation exemption.

With regard to alternatives, we believe that this action best reflects the marketing and product development goals of the Washington potato industry.

The Committee estimates that initially four or five handlers may apply for and obtain Special Purpose Certificates for the purpose of making shipments of experimental packs or varieties. In addition, such handlers will be required to furnish to the Committee a Special Purpose Shipment Report for each shipment made under the experimental purposes exemption. The Committee estimates that the time taken by the handlers who apply for the exemptions will total less than ten hours. Such time is currently approved under OMB No. 0581-0178 by the Office of Management and Budget in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies. In addition, as noted in the initial regulatory flexibility analysis, the Department has not identified any relevant Federal rules that duplicate, overlap or conflict with this rule.

Further, the Committee's meeting was widely publicized throughout the Washington potato industry and all interested persons were invited to attend the meeting and participate in Committee deliberations. Like all Committee meetings, the June 8, 2000, meeting was a public meeting and all entities, both large and small, were able to express their views on this issue.

An interim final rule concerning this action was published in the **Federal Register** on November 24, 2000. Copies of the rule were mailed by the Committee's staff to all Committee members and Washington potato handlers. In addition, the rule was made available through the Internet by the Office of the Federal Register. That rule provided for a 60-day comment period which ended January 23, 2001. No comments were received.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: <http://www.ams.usda.gov/fv/foab.html>. Any questions about the compliance guide should be sent to Jay Guerber at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

After consideration of all relevant material presented, including the Committee's recommendation, and other information, it is found that finalizing the interim final rule, without change, as published in the **Federal Register** (65 FR 70461, November 24, 2000 and 65 FR 71201, November 29, 2000) will tend to effectuate the declared policy of the Act.

#### List of Subjects in 7 CFR Part 946

Marketing agreements, Potatoes, Reporting and recordkeeping requirements.

#### PART 946—IRISH POTATOES GROWN IN WASHINGTON

Accordingly, the interim final rule amending 7 CFR part 946 which was published at 65 FR 70461 on November 24, 2000, and corrected at 65 FR 71201 on November 29, 2000, is adopted as a final rule without change.

Dated: April 4, 2001.

**Kenneth C. Clayton,**

*Acting Administrator, Agricultural Marketing Service.*

[FR Doc. 01-8870 Filed 4-10-01; 8:45 am]

BILLING CODE 3410-02-P

#### DEPARTMENT OF ENERGY

##### 10 CFR Parts 1040 and 1042

RIN 1901-AA87

#### Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance

**AGENCY:** Department of Energy (DOE).

**ACTION:** Final rule; completion of regulatory review.

**SUMMARY:** In accordance with the memorandum of January 20, 2001, from the Assistant to the President and Chief of Staff, entitled "Regulatory Review Plan," published in the **Federal Register** on January 24, 2001 (66 FR 7702), DOE temporarily delayed for 60 days (66 FR 8747, February 2, 2001) the effective date of the rule entitled "Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance" published in the **Federal Register** on January 18, 2001 (66 FR 4627). DOE has now completed its review of that regulation, and does not intend to initiate any further rulemaking action to modify its provisions.

**DATES:** The final rule published on January 18, 2001 (66 FR 4627) is effective April 23, 2001.

#### FOR FURTHER INFORMATION CONTACT:

Isiah Smith, Jr., (202) 586-8618, [Isiah.Smith@hq.doe.gov](mailto:Isiah.Smith@hq.doe.gov)

Issued in Washington, D.C. on April 4, 2001.

**Spencer Abraham,**

*Secretary of Energy.*

[FR Doc. 01-8898 Filed 4-10-01; 8:45 am]

BILLING CODE 6450-01-P

#### DEPARTMENT OF TRANSPORTATION

##### Federal Aviation Administration

##### 14 CFR Part 39

[Docket No. 2000-NM-290-AD; Amendment 39-12172; AD 2001-07-07]

RIN 2120-AA64

#### Airworthiness Directives; Fokker Model F.28 Mark 0070 and Mark 0100 Series Airplanes

**AGENCY:** Federal Aviation Administration, DOT.

**ACTION:** Final rule.

**SUMMARY:** This amendment supersedes an existing airworthiness directive (AD), applicable to all Fokker Model F.28 Mark 0070 and Mark 0100 series airplanes, that currently requires revising the Airplane Flight Manual (AFM) to provide the flightcrew with instructions not to arm the liftdumper system prior to commanding the landing gear to extend. For Model F.28 Mark 0100 series airplanes, the existing AD also requires modification of the grounds of the shielding of the wheelspeed sensor wiring of the main landing gear (MLG) and installation of new electrical grounds for the wheelspeed sensor channel of the anti-skid control box of the MLG. This amendment removes the previous revision of the AFM and requires a new limitation and a new warning. This amendment is prompted by issuance of mandatory continuing airworthiness information by a foreign civil airworthiness authority. The actions specified by this AD are intended to prevent inadvertent deployment of the liftdumpers during approach for landing or reduced brake pressure during low speed taxiing, and consequent reduced controllability and performance of the airplane.

**DATES:** Effective May 16, 2001.

The incorporation by reference of certain publications, as listed in the regulations, was approved previously by the Director of the Federal Register as of November 2, 1999 (64 FR 52219, September 28, 1999).

**ADDRESSES:** The service information referenced in this AD may be obtained from Fokker Services B.V., P.O. Box 231, 2150 AE Nieuw Vennep, the Netherlands. This information may be examined at the Federal Aviation Administration (FAA), Transport Airplane Directorate, Rules Docket, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Norman B. Martenson, Manager, International Branch, ANM-116, FAA, 1601 Lind Avenue, SW., Renton, Washington 98055-4056; telephone (425) 227-2110; fax (425) 227-1149.

**SUPPLEMENTARY INFORMATION:** A proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) by superseding AD 99-20-07, amendment 39-11337 (64 FR 52219, September 28, 1999), which is applicable to all Fokker Model F.28 Mark 0070 and Mark 0100 series airplanes, was published in the **Federal Register** on January 16, 2001 (66 FR 3518). The action proposed to continue to require modification of the grounds of the shielding of the wheelspeed sensor wiring of the main landing gear (MLG) and installation of new electrical grounds for the wheelspeed sensor channel of the anti-skid control box of the MLG. The action also proposed to remove the previously required revision of the Airplane Flight Manual (AFM) and would require a new limitation and a new warning.

#### Comments

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were submitted in response to the proposal or the FAA's determination of the cost to the public.

#### Conclusion

The FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

#### Cost Impact

There are approximately 123 airplanes of U.S. registry that will be affected by this AD.

The modifications that are currently required by AD 99-20-07 take approximately 33 work hours per airplane to accomplish, at an average labor rate of \$60 per work hour. Required parts cost approximately \$755 to \$1,236 per airplane. Based on these figures, the cost impact of the currently required actions on U.S. operators is estimated to be between \$336,405 and

\$395,568, or between \$2,735 and \$3,216 per airplane.

The revision to the AFM required in this AD will take approximately 1 work hour per airplane to accomplish, at an average labor rate of \$60 per work hour. Based on these figures, the cost impact of the AFM revision required by this AD on U.S. operators is estimated to be \$7,380, or \$60 per airplane.

The cost impact figures discussed above are based on assumptions that no operator has yet accomplished any of the requirements of this AD action, and that no operator would accomplish those actions in the future if this AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

#### Regulatory Impact

The regulations adopted herein will not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this action (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and it is contained in the Rules Docket. A copy of it may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

#### List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

#### Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

#### PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40113, 44701.

#### § 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39-11337 (64 FR 52219, September 28, 1999), and by adding a new airworthiness directive (AD), amendment 39-12172, to read as follows:

#### 2001-07-07 Fokker Services B.V.:

Amendment 39-12172. Docket 2000-NM-290-AD. Supersedes AD 99-20-07, Amendment 39-11337.

**Applicability:** All Model F.28 Mark 0070 and Mark 0100 series airplanes, certificated in any category.

**Note 1:** This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (d) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

**Compliance:** Required as indicated, unless accomplished previously.

To prevent inadvertent deployment of the liftdumper systems during the approach for landing or reduced brake pressure during low speed taxiing, and consequent reduced controllability and performance of the airplane, accomplish the following:

#### Restatement of Certain Requirements of AD 99-20-07

#### Corrective Actions

(a) For Model F.28 Mark 0100 series airplanes having serial numbers as listed in Fokker Service Bulletin SBF100-32-067, Revision 1, dated July 6, 1998: Within 6 months after November 2, 1999 (the effective date of AD 99-20-07, amendment 39-11337), modify the grounds of the shielding of the wheelspeed sensor wiring of the main landing gear (MLG), in accordance with Part 1, 2, 3, or 4 of the Accomplishment Instructions of the service bulletin, as applicable.

**Note 2:** Modifications accomplished prior to November 2, 1999, in accordance with Fokker Service Bulletin SBF100-32-067, dated March 12, 1993, are considered acceptable for compliance with the requirements of paragraph (a) of this AD.

(b) For Model F.28 Mark 0100 series airplanes having serial numbers as listed in Fokker Service Bulletin SBF100-32-037, Revision 2, dated December 4, 1998: Within 12 months after November 2, 1999, install

new electrical grounds for the wheelspeed sensor channel of the anti-skid control box of the MLG, in accordance with Part 1, 2, or 3 of the Accomplishment Instructions of the service bulletin, as applicable.

**Note 3:** Installations accomplished prior to November 2, 1999, in accordance with Fokker Service Bulletin SBF100-32-037, dated November 12, 1990, or Revision 1, dated November 16, 1998, are considered acceptable for compliance with the requirements of paragraph (b) of this AD.

#### New Actions Required by This AD:

##### Revision of the Airplane Flight Manual

(c) Within 10 days after the effective date of this AD, revise the Limitations and Normal Procedures sections of the FAA-approved Airplane Flight Manual (AFM), in accordance with paragraphs (c)(1), (c)(2), (c)(3) and (c)(4) of this AD. This may be accomplished by inserting a copy of this AD into the appropriate sections of the AFM.

(1) Remove the following information from the Limitations section:

“LIFTDUMPER SYSTEM

DO NOT ARM THE LIFTDUMPER SYSTEM BEFORE LANDING GEAR DOWN SELECTION.”

(2) Add the following information to the Limitations section in the Miscellaneous Limitations sub-section:

##### “FLIGHT CONTROLS

NORMAL OPERATION OF LIFTDUMPERS: DO NOT ARM THE LIFTDUMPER SYSTEM BEFORE LANDING GEAR IS DOWN AND LOCKED.”

(3) Remove the following information from Section 5—Normal Procedures, sub-section Approach and Landing, after the subject Approach:

“BEFORE LANDING

WARNING: DO NOT ARM THE LIFTDUMPER SYSTEM BEFORE LANDING GEAR DOWN SELECTION. Selecting Landing Gear DOWN after arming the lift-dumper system may result in inadvertent deployment of the lift-dumpers, because the lift-dumper arming test may be partially ineffective.”

(4) Add the following information to Section 5—Normal Procedures, sub-section Approach and Landing, after the subject Approach:

“BEFORE LANDING

WARNING: DO NOT ARM THE LIFTDUMPER SYSTEM BEFORE LANDING GEAR IS DOWN AND LOCKED.”

##### Alternative Methods of Compliance

(d) An alternative method of compliance or adjustment of the compliance time that provides an acceptable level of safety may be used if approved by the Manager, International Branch, ANM-116, Transport Airplane Directorate, FAA. Operators shall submit their requests through an appropriate FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, International Branch, ANM-116.

**Note 4:** Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the International Branch, ANM-116.

##### Special Flight Permits

(e) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

##### Incorporation by Reference

(f) Except for the AFM revisions required by paragraph (c) of this AD, the actions shall be done in accordance with Fokker Service Bulletin SBF100-32-067, Revision 1, dated July 6, 1998; and Fokker Service Bulletin SBF100-32-037, Revision 2, dated December 4, 1998; as applicable. This incorporation by reference was approved previously by the Director of the Federal Register as of November 2, 1999 (64 FR 52219, September 28, 1999). Copies may be obtained from Fokker Services B.V., P.O. Box 231, 2150 AE Nieuw Vennep, the Netherlands. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

**Note 5:** The subject of this AD is addressed in Dutch airworthiness directive 1998-042/2, dated February 29, 2000.

##### Effective Date

(g) This amendment becomes effective on May 16, 2001.

Issued in Renton, Washington, on April 2, 2001.

**Donald L. Riggins,**

*Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.*

[FR Doc. 01-8614 Filed 4-10-01; 8:45 am]

**BILLING CODE 4910-13-U**

## DEPARTMENT OF TRANSPORTATION

### Coast Guard

#### 33 CFR Part 117

[CGD 11-99-013]

RIN-2115-AE47

#### Drawbridge Operation Regulations; Oakland Inner Harbor Tidal Canal, Alameda County, CA

**AGENCY:** Coast Guard, DOT.

**ACTION:** Interim final rule; request for comments.

**SUMMARY:** The Commander, Eleventh Coast Guard District changes the operating regulations for the railroad drawbridge and three highway drawbridges crossing the Oakland Inner Harbor Tidal Canal (Oakland Estuary), between Oakland and Alameda,

California. The bridges are: Alameda County highway bridges at Park Street, mile 5.2; Fruitvale Avenue, mile 5.6; High Street, mile 6.0; and the Army Corps of Engineers railroad bridge, mile 5.6 at Fruitvale Avenue. This interim rule will more accurately align rush-hour closure periods of the drawbridges to the present needs of commuting land traffic, while continuing to meet the reasonable needs of navigation on the waterway. It states the above named bridges shall open on signal, except that, from 8 a.m. to 9 a.m. and 4:30 p.m. to 6:30 p.m. Monday through Friday except Federal holidays, the draw need not be opened for the passage of vessels. It also incorporates an administrative change to correct the waterway mile-points of the affected bridges to coincide with existing U.S. Army Corps of Engineers measurements of the waterway.

**DATES:** This interim rule becomes effective on May 11, 2001. Comments must be received on or before July 10, 2001.

**ADDRESSES:** Comments may be mailed or hand-delivered to: Commander (oan-2), Eleventh Coast Guard District, Bldg. 50-6, Coast Guard Island, Alameda, CA 94501-5100. The Commander (oan-2), maintains the public docket for this rulemaking.

**FOR FURTHER INFORMATION CONTACT:** Mr. David H. Sulouff, Chief, Bridge Section, Eleventh Coast Guard District, Building 50-6, Coast Guard Island, Alameda, CA 94501-5100, phone (510) 437-3516.

#### SUPPLEMENTARY INFORMATION:

##### Request for Comments

The Coast Guard encourages all interested persons to participate in this interim rulemaking by submitting written data, views, or arguments. Persons submitting comments should identify this rulemaking (CGD 11-99-013), the specific section of the rule to which each comment applies, and the reason for each comment. All comments and attachments must be submitted in an unbound format, no larger than 8½ × 11 inches, suitable for copying. Persons wanting acknowledgment of receipt of comments should enclose a stamped, self-addressed postcard or envelope. All comments and other materials referenced in this notice will be available for inspection and copying at the Coast Guard location under **ADDRESSES**, between 6:30 a.m. and 4 p.m. Monday through Friday except Federal holidays. The Coast Guard will consider all comments and material received during the comment period and may change this rule in view of them.

## Public Hearing

The Coast Guard plans no public hearing. Interested persons may request a public hearing by writing to the Coast Guard at the address under **ADDRESSES**. The request should include the reasons why a hearing would be beneficial. If it determines that the opportunity for oral presentations will aid in this rulemaking, the Coast Guard will hold a public hearing at a time and place to be announced by a later notice in the **Federal Register**.

## Background and Purpose

The existing governing regulation, 33 CFR 117.181, specifies that the drawbridges need not open for the passage of vessels from 7:30 a.m. to 8:30 a.m. and 3:45 p.m. to 5:45 p.m. Monday through Friday, except Federal holidays. The Coast Guard consulted with navigation, the city of Alameda and Alameda County to determine if the bridge closure times could be changed to improve commuting conditions for land traffic. Average daily traffic counts were obtained for the Park Street drawbridge, as it is the most congested. Waterway traffic and requests for bridge openings were also analyzed. On November 12, 1999, a Notice of Proposed Rulemaking (NPRM), CGD11-99-013, in the **Federal Register** (64 FR 61562) identified proposed commute closure periods during which all Oakland Estuary bridges may remain closed to navigation to more adequately accommodate commute traffic, while continuing to meet the reasonable needs of navigation. It proposed altering the existing governing regulation by stating these draws shall open on signal; except that from 8:30 a.m. to 9:30 a.m. and 5 p.m. to 7 p.m. Monday through Friday except Federal holidays, the draws need not be opened for the passage of vessels. Eleven persons commented. Two indicated no objection. One indicated differences in congestion times at different drawbridges. The remaining comments proposed increasing the duration of closures and creating noon-time, rush-hour closure periods; requiring collapsible masts on all new boats and retrofits of all existing boats; requiring vessels to access the waterway via the San Leandro Channel (1-3 foot depth at low tide); or relocating businesses upstream of the estuary bridges. These remaining comments have been determined not to meet the reasonable needs of navigation. The city of Alameda provided additional highway traffic counts for all estuary bridges. Assessment of peak congestion at the three highway bridges in 15-minute increments demonstrated a

single hour closure from 8 a.m. to 9 a.m. and a two-hour closure from 4:30 p.m. to 6:30 p.m. would more accurately accommodate highway rush hour traffic. A review of bridge opening data revealed a temporary 200 percent increase in openings during several months preceding the comment period (July 1998), due to a one-time waterway improvement project. The U.S. Army Corps of Engineers was consulted and has indicated there is no similar activity planned in the foreseeable future.

## Discussion of Interim Rule

This Interim Rule incorporates an administrative change to correct the waterway mile-points of the affected bridges to coincide with existing U.S. Army Corps of Engineers measurements of the waterway. The new rule will read Park Street Bridge, mile 5.2 vice the existing rule mile 7.3; Fruitvale Avenue mile 5.6 vice the existing rule mile 7.7; High Street mile 6.0 vice the existing rule 8.1; and the U.S. Army Corps of Engineers railroad bridge Fruitvale Avenue mile 5.6 vice the existing rule mile 7.7. This Interim Rule also amends the existing regulation to adjust the rush-hour periods when the Oakland Estuary bridges need not open for the passage of vessels. It states the above named bridges shall open on signal, except that, from 8 a.m. to 9 a.m. and 4:30 p.m. to 6:30 p.m. Monday through Friday except Federal holidays, the draw need not be opened for the passage of vessels. This changes the time period in the existing rule, 7:30 a.m. to 8:30 and 3:45 p.m. to 5:45 p.m., for when the bridge need not open on signal. The proposed change is expected to improve highway traffic conditions during peak rush hours, while not adversely impacting navigation on the waterway.

## Regulatory Evaluation

This rule is not a "significant regulatory action" under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that order. It has been exempted from review by the Office of Management and Budget under that order. It is not "significant" under the Department of Transportation Regulatory Policies and Procedures (DOT) (44 FR 11040, February 26, 1979). The Coast Guard expects the impact of this rule to be so minimal that a full Regulatory Evaluation under paragraph 10(e) of the regulatory policies and procedures of DOT is unnecessary. This rule is merely shifting the time the bridge need not open on signal to coincide with rush hour traffic it is neither extending or shortening the closure period.

## Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), the Coast Guard must consider whether this rule will have a significant economic impact on a substantial number of small entities. The term "Small entities" may include small businesses and not-for profit organizations that are independently owned and operated and are not dominant in their respective fields, and governmental jurisdictions with populations less than 50,000. As set forth in the Background and Purpose section this rule was preceded by a Notice of Proposed Rule making no negative comments were received by small entities regarding this rule change. Therefore, the Coast Guard certifies under 5 U.S.C. 605(b) that this rule, if adopted, is not expected to have a significant economic impact on any substantial number of small entities. If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule will have a significant impact on it, please submit a comment. In your comment, explain why you think it qualifies and how and to what degree this rule would economically affect it.

## Assistance for Small Entities

In accordance with 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law. 104-121), the Coast Guard wants to assist small entities in understanding this Interim Rule so that they can better evaluate its effects on them and participate in the rule making process. If your small business or organization is affected by this rule and you have questions concerning its provisions or options for compliance, please contact the U.S. Coast Guard using information in **ADDRESSES** above.

## Collection of Information

This rule contains no collection of information requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

## Federalism

The Coast Guard has analyzed this rule in accordance with the principles and criteria contained in Executive Order 13132 and has determined it does not have implications of federalism under that order.

## Unfunded Mandates

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531-1538), requires Federal agencies to assess the effects of their regulatory actions not specifically required by law. In particular, the Act

addresses actions that may result in the expenditure by a State, local, or tribal government, in aggregate, or by the private sector of \$100,000,000 or more in any one year. Though this rule will not result in such an expenditure, the effects of this rule are discussed elsewhere in this preamble.

### Taking of Private Property

This rule will not effect a taking of private property or otherwise have taking implications under Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

### Civil Justice Reform

This rule meets applicable standards in sections 3(a) and 3(b)(2) of Executive Order 12988, Civil Justice Reform, to minimize litigation, eliminate ambiguity, and reduce burden.

### Protection of Children

We have analyzed this rule under Executive Order 13045, Protection of Children from Environmental Health Risks and Safety Risks. This rule is not an economically significant rule and does not concern an environmental risk to health or risk to safety that may disproportionately affect children.

### Environment

The Coast Guard considered the environmental impact of this rule and concluded that under Commandant Instruction M16475.1C, Figure 2-1, paragraph 32(e), this rule is categorically excluded from further environmental documentation, because it is a Bridge Administration Program action involving the promulgation of operating requirements or procedures for a drawbridge. A Categorical Exclusion Determination is available in the docket for inspection or copying where indicated under **ADDRESSES**.

### List of Subjects in 33 CFR Part 117

Bridges.

For the reasons set out in the preamble, the Coast Guard amends Part 117 of Title 33, Code of Federal Regulations, as follows:

### PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for Part 117 continues to read as follows:

**Authority:** 33 U.S.C. Sec. 499; 49 CFR 1.46; 33 CFR 1.05-1(g); section 117.225 also issued under the authority of Pub. L. 102-587, 106 Stat. 5039.

2. Section 117.181 is amended to read as follows:

### § 117.181 Oakland Inner Harbor Tidal Canal.

The draws of the Alameda County highway drawbridges at Park Street, mile 5.2; Fruitvale Avenue, mile 5.6; and High Street, mile 6.0; and the U.S. Army Corps of Engineers railroad drawbridge, mile 5.6 at Fruitvale Avenue, shall open on signal; except that, from 8 a.m. to 9 a.m. and 4:30 p.m. to 6:30 p.m. Monday through Friday except Federal holidays, the draws need not be opened for the passage of vessels. However, the draws shall open during the above closed periods for vessels which must, for reasons of safety, move on a tide or slack water, if at least two hours notice is given. The draws shall open as soon as possible for vessels in distress and emergency vessels, including commercial vessels engaged in rescue or emergency salvage operations.

Dated: March 29, 2001.

**E.R. Riutta,**

*U.S. Coast Guard, Commander, Eleventh Coast Guard District.*

[FR Doc. 01-8895 Filed 4-10-01; 8:45 am]

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### ENVIRONMENTAL PROTECTION AGENCY

#### 40 CFR Part 180

[OPP-301110; FRL-6774-8]

**RIN 2070-AB78**

### Zoxamide 3,5-dichloro-N-(3-chloro-1-ethyl-1-methyl-2-oxopropyl)-4-methylbenzamide; Pesticide Tolerance

**AGENCY:** Environmental Protection Agency (EPA).

**ACTION:** Final rule.

**SUMMARY:** This regulation establishes tolerances for the combined residues of zoxamide and its metabolites 3,5-dichloro-1,4-benzenedicarboxylic acid (RH-1455 and RH-141455) and 3,5-dichloro-4-hydroxymethylbenzoic acid (RH-1452 and RH-141452) in or on potato, tuber; potato, granule/flake; potato, wet peel and residues of zoxamide in or on grape; and grape, raisins. Rohm and Haas requested these tolerances under the Federal Food, Drug, and Cosmetic Act, as amended by the Food Quality Protection Act of 1996. **DATES:** This regulation is effective April 11, 2001. Objections and requests for hearings, identified by docket control number OPP-301110 must be received by EPA on or before June 11, 2001.

**ADDRESSES:** Written objections and hearing requests may be submitted by

mail, in person, or by courier. Please follow the detailed instructions for each method as provided in Unit VI of the **SUPPLEMENTARY INFORMATION**. To ensure proper receipt by EPA, your objections and hearing requests must identify docket control number OPP-301110 in the subject line on the first page of your response.

**FOR FURTHER INFORMATION CONTACT:** By mail: Cynthia Giles-Parker, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 305-7740; and e-mail address: Cynthia.Giles-Parker@epa.gov.

### SUPPLEMENTARY INFORMATION:

#### I. General Information

##### A. Does this Action Apply to Me?

You may be affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. Potentially affected categories and entities may include, but are not limited to:

Cat-egories	NAICS	Examples of poten-tially affected entities
Industry	111	Crop production
	112	Animal production
	311	Food manufacturing
	32532	Pesticide manufac-turing

This listing is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. Other types of entities not listed in the table could also be affected. The North American Industrial Classification System (NAICS) codes have been provided to assist you and others in determining whether or not this action might apply to certain entities. If you have questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

##### B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. **Electronically.** You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at <http://www.epa.gov/>. To access this document, on the Home Page select "Laws and Regulations", "Regulations and Proposed Rules," and then look up the entry for this document under the "Federal Register—Environmental Documents." You can also go directly to



the **Federal Register** listings at <http://www.epa.gov/fedrgstr/>. To access the OPPTS Harmonized Guidelines referenced in this document, go directly to the guidelines at <http://www.epa.gov/opptsfrs/home/guidelin.htm>. A frequently updated electronic version of 40 CFR part 180 is available at [http://www.access.gpo.gov/nara/cfr/cfrhtml\\_00/Title\\_40/40cfr-00.html](http://www.access.gpo.gov/nara/cfr/cfrhtml_00/Title_40/40cfr-00.html), a beta site currently under development.

2. *In person.* The Agency has established an official record for this action under docket control number OPP-301110. The official record consists of the documents specifically referenced in this action, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305-5805.

## II. Background and Statutory Findings

In the **Federal Register** of September 1, 1999 (64 FR 47795) (FRL-6096-8), EPA issued a notice pursuant to section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a as amended by the Food Quality Protection Act of 1996 (FQPA) (Public Law 104-170) announcing the filing of a pesticide petition (PP) for tolerance by Rohm and Haas. This notice included a summary of the petition prepared by Rohm and Haas, the registrant. There were no comments received in response to thenote of filing.

The petition requested that 40 CFR part 180 be amended by establishing

tolerances for combined residues of the fungicide zoxamide 3,5-dichloro-N-(3-chloro-1-ethyl-1-methyl-2-oxopropyl)-4-methylbenzamide, and its metabolites in or on grapes, raisins and potatoes at 5.0, 15.0 and 0.1 part per million (ppm), respectively.

Section 408(b)(2)(A)(i) of the FFDCA allows EPA to establish a tolerance (the legal limit for a pesticide chemical residue in or on a food) only if EPA determines that the tolerance is "safe." Section 408(b)(2)(A)(ii) defines "safe" to mean that "there is a reasonable certainty that no harm will result from aggregate exposure to the pesticide chemical residue, including all anticipated dietary exposures and all other exposures for which there is reliable information." This includes exposure through drinking water and in residential settings, but does not include occupational exposure. Section 408(b)(2)(C) requires EPA to give special consideration to exposure of infants and children to the pesticide chemical residue in establishing a tolerance and to "ensure that there is a reasonable certainty that no harm will result to infants and children from aggregate exposure to the pesticide chemical residue...."

EPA performs a number of analyses to determine the risks from aggregate exposure to pesticide residues. For further discussion of the regulatory requirements of section 408 and a complete description of the risk assessment process, see the final rule on Bifenthrin Pesticide Tolerances (62 FR 62961, November 26, 1997) (FRL-5754-7).

## III. Aggregate Risk Assessment and Determination of Safety

Consistent with section 408(b)(2)(D), EPA has reviewed the available scientific data and other relevant information in support of this action. EPA has sufficient data to assess the hazards of and to make a determination on aggregate exposure, consistent with section 408(b)(2), for tolerances for the combined residues of zoxamide and its metabolites 3,5-dichloro-1,4-benzenedicarboxylic acid (RH-1455 and

RH-141455) and 3,5-dichloro-4-hydroxymethylbenzoic acid (RH-1452 and RH-141452) in or on potato, tuber at 0.060 ppm; potato, granule/flake at 0.30 ppm; potato, wet peel at 0.10 ppm and zoxamide in or on grape at 3.0 ppm; grape, raisins at 15 ppm. Several of the tolerances that are being established by this rule are different from those proposed by Rohm and Haas. EPA's review of the data submitted by the company lead to an Agency decision to modify the proposed tolerances. EPA's assessment of exposures and risks associated with establishing the tolerance follows.

### A. Toxicological Profile

EPA has evaluated the available toxicity data and considered its validity, completeness, and reliability as well as the relationship of the results of the studies to human risk. EPA has also considered available information concerning the variability of the sensitivities of major identifiable subgroups of consumers, including infants and children. The nature of the toxic effects caused by zoxamide are discussed in Table 2 below as well as the no observed adverse effect level (NOAEL) and the lowest observed adverse effect level (LOAEL) from the toxicity studies reviewed.

Zoxamide has low acute toxicity (Toxicity Category IV for acute oral, inhalation toxicity and Category III for acute dermal toxicity and ocular irritation). Zoxamide is considered to be a dermal sensitizer, but it is not a skin irritant (Toxicity Category IV). In addition, a concern was identified for the potential of zoxamide to be an inhalation sensitizer for the following reasons: (1) up to 50% of the wettable powder formulation's dispersed particle size is less than 5  $\mu$ m, and thus inhalable to the alveolar region in humans; and (2) zoxamide's mechanism of action is binding to tubulin, and therefore may bind to other proteins. See Table 1 for a discussion of EPA's our findings.

TABLE 1.—ACUTE TOXICITY OF ZOXAMIDE—TECHNICAL (RH-117,281)

Guideline No.	Study Type	Results	Toxicity Category
870.1100	Acute Oral-Rat	LD <sub>50</sub> > 5,000 mg/kg (males and females, combined)	IV
870.1100	Acute-Oral-Mouse	LD <sub>50</sub> > 5,000 mg/kg (males and females, combined)	IV
870.1200	Acute Dermal-Rat	LD <sub>50</sub> > 2,000 mg/kg (males and females, combined)	III

TABLE 1.—ACUTE TOXICITY OF ZOXAMIDE—TECHNICAL (RH-117,281)—Continued

Guideline No.	Study Type	Results	Toxicity Category
870.1300	Acute Inhalation-Rat	LC <sub>50</sub> > 5.3 mg/L (males and females, combined)	IV
870.2400	Primary Eye Irritation-Rabbit	Moderate irritant; Corneal opacity on 6/6 rabbits with resolution by day 7. Iritis on 1/6 rabbits at 24 hours with resolution by 48 hours. Conjunctivitis on all rabbits at one hour with resolution by day 7.	III
870.2500	Primary Skin Irritation-Rabbit	Not an irritant	IV
870.2600	Dermal Sensitization: Maximization-Guinea pig	Strong sensitizer. Maximization Test: 100% treated showed erythema.	NA
870.2600	Dermal Sensitization: Buehler's Method-Guinea pig	Strong sensitizer. Buehler's Test: 80–90% treated showed erythema, grade 3 out of possible 4, appearing at 3rd induction phase and challenge phase.	NA

The primary target organ for oral exposure is the liver. In chronic and subchronic dog studies, liver and thyroid weights were increased along with liver histopathological changes and increases in alkaline phosphatase in the chronic study. There was no evidence of developmental or reproductive toxicity.

The data demonstrate no increase sensitivity of rats or rabbits to *in utero* or early postnatal exposure to zoxamide. Carcinogenicity studies in rats and mice did not show increased incidence of spontaneous tumor formation. Zoxamide is classified as “not likely” human carcinogen. There was no

evidence of neurotoxicity in the acute or subchronic neurotoxicity studies or in any other study in the data base. The toxicity data base for zoxamide is complete. See the following Table 2 for a discussion EPA's findings.

TABLE 2.—TOXICITY PROFILE OF ZOXAMIDE TECHNICAL

Guideline No.	Study Type (All Studies Acceptable)	Results
870.3100	90-Day oral toxicity rodents-mouse	NOAEL = 1,666 mg/kg/day; LOAEL not established
870.3150	90-Day oral toxicity in nonrodents-dog	NOAEL = 62 mg/kg/day in females, 281 mg/kg/day in males. LOAEL = 322 mg/kg/day in females and 1,139 mg/kg/day in males based on increased liver weights, hepatocellular hypertrophy (males), decrease in albumin and albumin/globulin ratios (males).
870.3200	28-Day dermal toxicity-rat	Systemic: NOAEL ≥ 1,000 mg/kg, LOAEL not established; Dermal: NOAEL not established LOAEL < 150 mg/kg/day based on dermal scabbing increase with dosage in males and females, and epidermis of treated skin sites showed hyperplasia, hyperkeratosis, and inflammation.
870.3700a	Prenatal developmental in rodents-rat	Maternal NOAEL = 1,000 mg/kg/day; LOAEL > 1,000 mg/kg/day. Developmental NOAEL = 1,000 mg/kg/day LOAEL > 1,000 mg/kg/day.
870.3700b	Prenatal developmental in nonrodents-rabbit	Maternal NOAEL = 1,000 mg/kg/day; LOAEL > 1,000 mg/kg/day. Developmental NOAEL = 1,000 mg/kg/day; LOAEL > 1,000 mg/kg/day.
870.3800	Reproduction and fertility effects-rat	Parental/Systemic NOAEL = 409 mg/kg/day in females, 1,474 mg/kg/day in males; LOAEL = 1,624 mg/kg/day based on female decreased body weight and body weight gains. Reproductive NOAEL ≥ 2,091 mg/kg/day in males, 2,239 mg/kg/day in females; LOAEL = not established. Offspring NOAEL ≥ 2,091 mg/kg/day in males, 2,239 mg/kg/day in females; LOAEL = not established.
870.4100b	Chronic toxicity dogs	NOAEL = 50 mg/kg/day in males, 48 mg/kg/day in females; LOAEL = 255 mg/kg/day in males, 278 mg/kg/day in females based on decreased body weights, increased liver and thyroid weights, and increased alkaline phosphatase.
870.4300	Chronic/Carcinogenicity rats	NOAEL = 1,058 mg/kg/day; LOAEL = not established. No evidence of carcinogenicity
870.4300	Carcinogenicity mice	NOAEL = 1,021 mg/kg/day in males, 1,289 mg/kg/day in females; LOAEL = not established. No evidence of carcinogenicity

TABLE 2.—TOXICITY PROFILE OF ZOXAMIDE TECHNICAL—Continued

Guideline No.	Study Type (All Studies Acceptable)	Results
870.5265	Gene Mutation	Non-mutagenic when tested up to 5,000 µg/plate, in presence and absence of activation, in <i>S. typhimurium</i> .
870.5300	Cytogenetics	Non-mutagenic at the HGPRT locus in CHO cells tested up to 65 µg/mL, in presence and absence of activation.
870.5375	Chromosome aberration	Did not induce structural chromosome aberration up to limit of toxicity (100 µg/mL), but did induce increased levels of numerical aberrations, in presence and absence of activation.
870.5395	Micronucleus	Non-mutagenic in mouse bone marrow micronucleus assay up to 2,000 mg/kg.
870.6200a	Acute neurotoxicity screening battery-rat	NOAEL = 2,000 mg/kg/day; LOAEL = not established.
870.6200b	Subchronic neurotoxicity screening battery-rat	NOAEL = 1,509 mg/kg/day in males, 1,622 mg/kg/day in females; LOAEL = not established.
870.7485	Metabolism and pharmacokinetics - rat	120 hours post-dosing, 96–102% recovered from the low and high single-dose groups. Fecal excretion was the primary route of elimination. Parent compound was the principal component excreted, a total of 36 metabolites were detected in the urine and feces.
870.7600	Dermal penetration-rat	Total dermal absorption rate after 10-hour is 8.8% (includes amount on skin after wash).

### B. Toxicological Endpoints

The dose at which no adverse effects are observed (the NOAEL) from the toxicology study identified as appropriate for use in risk assessment is used to estimate the toxicological level of concern (LOC). However, the lowest dose at which adverse effects of concern are identified (the LOAEL) is sometimes used for risk assessment if no NOAEL was achieved in the toxicology study selected. An uncertainty factor (UF) is applied to reflect uncertainties inherent in the extrapolation from laboratory animal data to humans and in the variations in sensitivity among members of the human population as well as other unknowns. An UF of 100 is routinely used, 10X to account for interspecies differences and 10X for intraspecies differences. The Agency evaluated the available hazard and exposure data for zoxamide and made the recommendation for the FQPA safety factor to be used in human health risk assessments (as required by the FQPA of August 3, 1996). The Agency concluded that the FQPA safety factor could be removed (i.e., reduced to 1x) in assessing the risk posed by this chemical because:

1. There is no indication of quantitative or qualitative increased susceptibility of rats or rabbits to *in utero* and/or postnatal exposure.

2. A developmental neurotoxicity study conducted with zoxamide is not required.

3. The dietary (food and drinking water) exposure assessments will not underestimate the potential exposures for infants and children. Additionally, there are currently no residential uses.

For dietary risk assessment (other than cancer) the Agency uses the UF to calculate an acute or chronic reference dose (acute RfD or chronic RfD) where the RfD is equal to the NOAEL divided by the appropriate UF (RfD = NOAEL/UF). Where an additional safety factor is retained due to concerns unique to the FQPA, this additional factor is applied to the RfD by dividing the RfD by such additional factor. The acute or chronic Population Adjusted Dose (aPAD or cPAD) is a modification of the RfD to accommodate this type of FQPA Safety Factor.

For non-dietary risk assessments (other than cancer) the UF is used to determine the LOC. For example, when 100 is the appropriate UF (10X to account for interspecies differences and 10X for intraspecies differences) the

LOC is 100. To estimate risk, a ratio of the NOAEL to exposures (margin of exposure (MOE) = NOAEL/exposure) is calculated and compared to the LOC.

The linear default risk methodology (Q\*) is the primary method currently used by the Agency to quantify carcinogenic risk. The Q\* approach assumes that any amount of exposure will lead to some degree of cancer risk. A Q\* is calculated and used to estimate risk which represents a probability of occurrence of additional cancer cases (e.g., risk is expressed as  $1 \times 10^{-6}$  or one in a million). Under certain specific circumstances, MOE calculations will be used for the carcinogenic risk assessment. In this non-linear approach, a “point of departure” is identified below which carcinogenic effects are not expected. The point of departure is typically a NOAEL based on an endpoint related to cancer effects though it may be a different value derived from the dose response curve. To estimate risk, a ratio of the point of departure to exposure (MOE<sub>cancer</sub> = point of departure/exposures) is calculated. A summary of the toxicological endpoints for zoxamide used for human risk assessment is shown in the following Table 3:

TABLE 3.— SUMMARY OF TOXICOLOGICAL DOSE AND ENDPOINTS FOR ZOXAMIDE FOR USE IN HUMAN RISK ASSESSMENT

Exposure Scenario	Dose Used in Risk Assessment, UF	FQPA SF* and Level of Concern for Risk Assessment	Study and Toxicological Effects
Acute Dietary general population including infants and children	None	None	No appropriate endpoint was identified by the Hazardous Assessment Review Committee on 11/18/99 for acute dietary exposure.
Chronic Dietary all populations	NOAEL= 48 mg/kg/day; UF = 100; Chronic RfD = 0.48 mg/kg/day	FQPA SF = 1X; cPAD = chronic RfD/FQPA SF = 0.48 mg/kg/day	Chronic Toxicity Study - Dog (MRID 44731817) LOAEL in males/females = 255/277 mg/kg/day based on body weight changes, increases in liver and thyroid weights, and increases in alkaline phosphatase.
Short-, Intermediate-, and Long-Term Dermal (Occupational/ Residential)	None	No systemic toxicity was seen at the limit dose (1000 mg/kg/day).	28-Day Repeated Dose Dermal - Rat (MRID 44731818)
Any time period Inhalation (Occupational/ Residential)	Oral NOAEL= 48 mg/kg/day Use route-to-route extrapolation (inhalation absorption rate = 100% of oral)	LOC for MOE = 100 (Occupational/ Residential)	Chronic Toxicity Study - Dog (MRID 44731817) LOAEL in males/females = 255/277 mg/kg/day based on body weight changes, increases in liver and thyroid weights, and increases in alkaline phosphatase.

\* Reference to the FQPA Safety Factor refers to any additional safety factor retained due to concerns unique to the FQPA.

### C. Exposure Assessment

1. *Dietary exposure from food and feed uses.* Tolerances are being established under 40 CFR part 180 for the combined residues of zoxamide and its metabolites 3,5-dichloro-1,4-benzenedicarboxylic acid (RH-1455 and RH-141455) and (3,5-dichloro-1,4-hydroxymethylbenzoic acid (RH-1452 and RH-141452), in or on potato and zoxamide in or on grape raw agricultural commodities. Risk assessments were conducted by EPA to assess dietary exposures from zoxamide in food as follows:

i. *Acute exposure.* Acute dietary risk assessments are performed for a food-use pesticide if a toxicological study has indicated the possibility of an effect of concern occurring as a result of a one day or single exposure. Based on available data, a suitable endpoint for acute dietary risk assessment was not identified since no effects were observed in oral toxicity studies (including developmental studies) which could be attributed to a single-dose exposure. Therefore, an acute dietary risk assessment was not performed.

ii. *Chronic exposure.* In conducting this chronic dietary risk assessment the Dietary Exposure Evaluation Model (DEEM®) analysis evaluated the individual food consumption as reported by respondents in the USDA 1989–1992 nationwide Continuing Surveys of Food Intake by Individuals (CSFII) and accumulated exposure to the chemical for each commodity. The following assumptions were made for the chronic exposure assessments:

A Tier I chronic DEEM® analysis was performed. The assumptions of this Tier I analysis were tolerance level residues and 100 percent crop-treated. The following tolerance levels were used in the analysis: grapes at 3.0 ppm, raisins at 15.0 ppm, potatoes at 0.060 ppm, potato flakes and chips at 0.30 ppm, and potato wet peel at 0.10 ppm. Since the tolerance levels for processed commodities used in the analysis were based upon processing studies, default concentration factors for grape juice; raisins; wine and sherry; potatoes, white-dry; potatoes, white peeled; and potatoes, white peel only, were set to 1x.

The chronic dietary exposure (food only) to zoxamide for some population subgroups are presented in the following Table 3. The resulting dietary food exposures occupy <1% of the Chronic PAD for all population subgroups included in the analysis, except for Children (1 to 6 years old) which is the highest exposed subgroup. The exposure for Children (1 to 6 years old) utilizes 1% of the cPAD. The results of this dietary exposure analysis should be viewed as very conservative (health protective). Refinements such as use of percent crop-treated information and/or anticipated residue values would yield even lower estimates of chronic dietary exposure.

TABLE 4.—CHRONIC DIETARY EXPOSURE ESTIMATES

Population subgroup <sup>1</sup>	Exposure, mg/kg/day	% cPADpad <sup>2</sup>
U.S. population	0.0015	<1.0
All infants(<1 year)	0.0038	<1.0
Children 1–6 yrs <sup>3</sup>	0.0050	1.0
Children 7–12 yrs	0.0015	<1.0
Females 13–50 yrs	0.0011	<1.0
Males 13–19 yrs	0.00064	<1.0
Males 20+ yrs	0.00092	<1.0
Seniors 55+	0.0011	<1.0

<sup>1</sup> The subgroups listed are: (1) the U.S. Population (total); (2) those for infants and children; and, (3) the most highly exposed of the adult females and males subgroups (in this case, Females, ≤13 years, nursing)

<sup>2</sup> Percent Chronic PAD = (Exposure ÷ Chronic PAD) × 100%.

<sup>3</sup> There are no other subgroups, with the exception of Children, 1 to 6 years old, for which the percentage of the Chronic PAD occupied is greater than that occupied by the subgroup U. S. Population (total).

iii. *Cancer.* Zoxamide is not mutagenic in Ames assays, in CHO cells assay at the Hypoxanthine guanine phosphoribosyle transferase (HGPRT) locus, and in the mouse bone marrow micronucleus assay. Zoxamide did not induce structural chromosome aberrations in cultured CHO cells treated up to the limit of toxicity, but

did induce increased levels of numerical aberrations. Carcinogenicity studies in rat and mice did not show increased incidence of spontaneous tumor formation. The Agency classified zoxamide as not likely to be a human carcinogen. Thus, a cancer risk assessment is not required for zoxamide.

2. *Dietary exposure from drinking water.* The Agency lacks sufficient monitoring exposure data to complete a comprehensive dietary exposure analysis and risk assessment for zoxamide in drinking water. Because the Agency does not have comprehensive monitoring data, drinking water concentration estimates are made by reliance on simulation or modeling taking into account data on the physical characteristics of zoxamide.

The Agency uses the Generic Estimated Environmental Concentration (GENEEC) or the Pesticide Root Zone/Exposure Analysis Modeling System (PRZM/EXAMS) to estimate pesticide concentrations in surface water and SCI-GROW, which predicts pesticide concentrations in groundwater. In general, EPA will use GENEEC (a tier 1 model) before using PRZM/EXAMS (a tier 2 model) for a screening-level assessment for surface water. The GENEEC model is a subset of the PRZM/EXAMS model that uses a specific high-end runoff scenario for pesticides. GENEEC incorporates a farm pond scenario, while PRZM/EXAMS incorporate an index reservoir environment in place of the previous pond scenario. The PRZM/EXAMS model includes a percent crop area factor as an adjustment to account for the maximum percent crop coverage within a watershed or drainage basin.

The Agency uses the First Index Reservoir Screening Tool (FIRST) or the Pesticide Root Zone/Exposure Analysis Modeling System (PRZM/EXAMS), to produce estimates of pesticide concentrations in an index reservoir. The SCI-GROW model is used to predict pesticide concentrations in shallow groundwater. For a screening-level assessment for surface water EPA will use FIRST (a tier 1 model) before using PRZM/EXAMS (a tier 2 model). The FIRST model is a subset of the PRZM/EXAMS model that uses a specific high-end runoff scenario for pesticides. While both FIRST and PRZM/EXAMS incorporate an index reservoir environment, the PRZM/EXAMS model includes a percent crop area factor as an adjustment to account for the maximum percent crop coverage within a watershed or drainage basin.

None of these models include consideration of the impact processing (mixing, dilution, or treatment) of raw

water for distribution as drinking water would likely have on the removal of pesticides from the source water. The primary use of these models by the Agency at this stage is to provide a coarse screen for sorting out pesticides for which it is highly unlikely that drinking water concentrations would ever exceed human health levels of concern.

Since the models used are considered to be screening tools in the risk assessment process, the Agency does not use estimated environmental concentrations (EECs) from these models to quantify drinking water exposure and risk as a %RfD or %PAD. Instead drinking water levels of comparison (DWLOCs) are calculated and used as a point of comparison against the model estimates of a pesticide's concentration in water. DWLOCs are theoretical upper limits on a pesticide's concentration in drinking water in light of total aggregate exposure to a pesticide in food, and from residential uses. Since DWLOCs address total aggregate exposure to zoxamide they are further discussed in the aggregate risk sections below.

Based on the GENEEC and PRZM/EXAMS and SCI-GROW models the estimated environmental concentrations (EECs) of zoxamide and its degradates for acute and chronic exposures are as follows:

Tier 1 (GENEEC) modeling estimates that zoxamide residues (zoxamide + degradation products) in surface water, from aerial and ground application, are not likely to exceed 61.1 and 57.0 µg/L for the annual peak concentration (acute) for grape and potato uses, respectively, and 48.3 and 45.1 µg/L for the 56 day average concentration (chronic) for grape and potato uses, respectively.

Tier 2 (PRZM/EXAMS) surface water modeling for zoxamide residues (zoxamide + degradation products), using the index reservoir with the percent cropped area (PCA=0.87 for grapes and potatoes), predicts the 1 in 10 year peak (acute) concentration of zoxamide residues from grapes is not likely to exceed 77.7 µg/L and from potatoes is not likely to exceed 20.9 µg/L. The 1 in 10 year annual average concentration (non-cancer chronic) of zoxamide residues from grapes is not likely to exceed 21.8 µg/L and from potatoes is not likely to exceed 6.2 µg/L. The 36 year annual average concentration (cancer chronic) of zoxamide residues from grapes is not likely to exceed 12.4 µg/L and from potatoes is not likely to exceed 4.1 µg/L.

The SCI-GROW predicted concentration of zoxamide in shallow ground water is not expected to exceed 0.064 µg/L. The SCI-GROW predicted concentration of zoxamide residues (zoxamide + degradation products) in shallow ground water is not expected to exceed 2.07 µg/L.start

3. *From non-dietary exposure.* The term "residential exposure" is used in this document to refer to non-occupational, non-dietary exposure (e.g., for lawn and garden pest control, indoor pest control, termiticides, and flea and tick control on pets). Zoxamide is not registered for use on any sites that would result in residential exposure.

4. *Cumulative exposure to substances with a common mechanism of toxicity.* Section 408(b)(2)(D)(v) requires that, when considering whether to establish, modify, or revoke a tolerance, the Agency consider "available information" concerning the cumulative effects of a particular pesticide's residues and "other substances that have a common mechanism of toxicity."

EPA does not have, at this time, available data to determine whether zoxamide has a common mechanism of toxicity with other substances or how to include this pesticide in a cumulative risk assessment. Unlike other pesticides for which EPA has followed a cumulative risk approach based on a common mechanism of toxicity, zoxamide does not appear to produce a toxic metabolite produced by other substances. For the purposes of this tolerance action, therefore, EPA has not assumed that zoxamide (3,5-dichloro-N-(3-chloro-1-ethyl-1-methyl-2-oxopropyl)-4-methylbenzamide has a common mechanism of toxicity with other substances. For information regarding EPA's efforts to determine which chemicals have a common mechanism of toxicity and to evaluate the cumulative effects of such chemicals, see the final rule for Bifenthrin Pesticide Tolerances (62 FR 62961, November 26, 1997).

#### *D. Safety Factor for Infants and Children*

1. *Safety factor for infants and children*—i. *In general.* FFDCA section 408 provides that EPA shall apply an additional tenfold margin of safety for infants and children in the case of threshold effects to account for prenatal and postnatal toxicity and the completeness of the database on toxicity and exposure unless EPA determines that a different margin of safety will be safe for infants and children. Margins of safety are incorporated into EPA risk assessments either directly through use of a margin of exposure (MOE) analysis

or through using uncertainty (safety) factors in calculating a dose level that poses no appreciable risk to humans.

2. *Conclusion.* There is a complete toxicity database for zoxamide and exposure data are complete or are estimated based on data that reasonably account for potential exposures. EPA determined that the 10X safety factor to protect infants and children should be removed (i.e. reduced to 1x). The FQPA factor is removed because:

- i. There is no indication of quantitative or qualitative increased susceptibility of rats or rabbits to *in utero* and/or postnatal exposure;
- ii. A developmental neurotoxicity study conducted with zoxamide is not required; and
- iii. The dietary (food and drinking water) exposure assessments will not underestimate the potential exposures for infants and children. Additionally, there are currently no residential uses.

#### *E. Aggregate Risks and Determination of Safety*

1. *Acute risk.* Based on the data, EPA concluded that zoxamide does not pose an acute risk.

2. *Chronic risk.* Using the exposure assumptions described in this unit for chronic exposure, EPA has concluded that exposure to zoxamide from food will utilize <1% of the cPAD for the U.S. population, 1% of the cPAD for children (1–6 years old). There are no residential uses for zoxamide that result in chronic residential exposure to zoxamide.

Chronic risk estimates resulting from aggregate exposure to zoxamide in food and water are below the Agency's level of concern. Surface and ground water EECs were used to compare against back-calculated Drinking Water Levels of Comparison (DWLOCs) for the aggregate assessment. For the chronic scenario, the DWLOCs are 17,000 µg/L for the U.S. population and 4,800 µg/L for the most highly exposed subpopulation (children 1–6 years old). The chronic EECs (highest 48.3 µg/L) are less than the Agency's DWLOCs for zoxamide residues in drinking water as a contribution to chronic aggregate exposure. EPA thus concludes with reasonable certainty that residues of zoxamide in drinking water will not contribute significantly to the aggregate chronic human health risk and that the chronic aggregate exposure from zoxamide residues in food and drinking water will not exceed the Agency's level of concern (100% of the Chronic PAD) for chronic dietary aggregate exposure by any population subgroup. EPA generally has no concern for exposures below 100% of the Chronic PAD,

because it is a level at or below which daily aggregate dietary exposure over a lifetime will not pose appreciable risks to the health and safety of any population subgroup. This risk assessment is considered high confidence, very conservative, and very protective of human health.

3. *Short-term risk.* The Agency did not identify a short-term dermal endpoint for zoxamide. There are no residential uses proposed for this fungicide, short-term aggregate risk assessments based on exposure from oral, inhalation, and dermal routes. For these reasons, no short-term risk is expected.

4. *Intermediate-term risk.* The Agency did not identify an intermediate-term dermal endpoint for zoxamide. There are no residential uses proposed for this fungicide, intermediate-term aggregate risk assessments based on exposure from oral, inhalation and dermal routes. For these reasons, no intermediate-term risk is expected.

5. *Aggregate cancer risk for U.S. population.* The Agency classified zoxamide as not likely to be a human carcinogen. Therefore, no cancer risk is expected.

6. *Determination of safety.* Based on these risk assessments, EPA concludes that there is a reasonable certainty that no harm will result to the general population, and to infants and children from aggregate exposure to zoxamide residues.

#### **IV. Other Considerations**

##### *A. Analytical Enforcement Methodology*

The petitioner has proposed a method (TR 34–98–150, MRID No. 44732115) utilizing gas chromatography with electron capture detection (GC/ECD) for enforcement of tolerances for zoxamide in/on grape and grape processed commodities and Method TR 34–98–142 (MRID No. 44732114) for enforcement of tolerances for zoxamide and its acid metabolites in/on potatoes and potato processed commodities. Method TR 34–98–142 utilizes GC with mass selection detection (GC/MSD).

For zoxamide and the two acid metabolites (RH–1452 and RH–1455), in/on potato tubers and potato processed fractions, the GC/MSD method is proposed as the primary method and the GC/ECD method as the confirmatory method of analysis. The estimated limit of detection (LOD) and validated limit of quantitation (LOQ) for the analysis of residues of zoxamide and its acid metabolites in/on potato commodities, were 0.006 and 0.02 ppm, respectively. For zoxamide in/on grape commodities, the GC/ECD method is

proposed as the primary enforcement method and the GC/MSD method is proposed as the confirmatory method of analysis. The reported LOD and the validated LOQ for the analysis of zoxamide residues in/on grape commodities were 0.003 and 0.01 ppm, respectively. For both methods, each method of analysis may be used as the confirmatory method for the other.

The above methods are proposed for tolerance enforcement, and are used as the data-collection methods in the analyses of samples obtained from the field, processing, and storage stability studies. The concurrent method recovery data indicate that the methods are adequate for data collection. Both methods were successfully radiovalidated using samples from the grape and potato metabolism studies. These methods were also successfully validated by an independent laboratory.

This method is currently being validated by the Analytical Chemistry Branch Laboratories, BEAD (7503C), Office of Pesticide Programs. Upon successful completion of the EPA validation and the granting of this registration, the method will be forwarded to FDA for publication in a future revision of the Pesticide Analytical Manual, Vol-II (PAM-II). Prior to publication and upon request, the method will be available prior to the harvest season from the Analytical Chemistry Branch (ACB), BEAD (7503C) Environmental Science Center, 701 Mapes Road, Ft. George C. Meade, MD 20755–5350. Contact Francis D. Griffith, Jr., telephone (410) 305–2905, e-mail: griffith.francis@epa.gov. The analytical standards are also available from the EPA National Pesticide Standard Repository at the same location.

The petitioner submitted data concerning the recovery of residues of zoxamide and its metabolites RH–1452 and RH–1455 using FDA multi-residue method protocols (PAM Vol. I). Zoxamide was successfully recovered using Protocols D and E. RH–1452 and RH–1452 RH–1455 did not chromatograph acceptably on any of the GC columns tested. Therefore, these would not be expected to be analyzable by Protocols D and E. The methylation of the compounds produced derivatives that are analyzable by GC but have poor and variable recoveries through Protocol B, indicating that none of the protocols are suitable for the recovery of either of the acid metabolites RH–1452 and RH–1455. The MRMs are adequate for enforcement of the proposed tolerances for residues in/on grapes, but not for potatoes. The submission will be forwarded to FDA for complete evaluation.

Adequate enforcement methodology (example: gas chromatography) is available to enforce the tolerance expression. The method may be requested from: Calvin Furlow, PRRIB, IRSD (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Washington, DC 20460; telephone number: (703) 305-5229; e-mail address: furlow.calvin@epa.gov.

#### B. International Residue Limits

There are currently no established Codex, Canadian, or Mexican maximum residue limits (MRLs) for residues of zoxamide in/on plant or livestock commodities. Section F of the petition indicated that MRLs are being sought in Canada and Mexico concurrently with this U.S. registration. As the registration of zoxamide is a joint review with Canada, the US tolerances and Canadian MRLs for Zoxamide in or on grape and potato commodities will be set at identical levels. Therefore, no compatibility issues exist with regard to the proposed U.S. tolerances discussed in this petition review.

#### V. Conclusion

Therefore, the tolerances are established for the combined residues of zoxamide and its metabolites 3,5-dichloro-1,4-benzenedicarboxylic acid (RH-1455 and RH-141455) and 3,5-dichloro-4-hydroxymethylbenzoic acid (RH-1452 and RH-141452), in or on potato, tuber; potato, granule/flake; potato, wet peel at 0.060 ppm; 0.30 ppm; and 0.10 ppm, respectively and zoxamide in or on grape at 3.0 ppm and grape, raisins at 15 ppm.

#### VI. Objections and Hearing Requests

Under section 408(g) of the FFDCA, as amended by the FQPA, any person may file an objection to any aspect of this regulation and may also request a hearing on those objections. The EPA procedural regulations which govern the submission of objections and requests for hearings appear in 40 CFR part 178. Although the procedures in those regulations require some modification to reflect the amendments made to the FFDCA by the FQPA of 1996, EPA will continue to use those procedures, with appropriate adjustments, until the necessary modifications can be made. The new section 408(g) provides essentially the same process for persons to "object" to a regulation for an exemption from the requirement of a tolerance issued by EPA under new section 408(d), as was provided in the old FFDCA sections 408 and 409. However, the period for filing objections is now 60 days, rather than 30 days.

#### A. What Do I Need to Do to File an Objection or Request a Hearing?

You must file your objection or request a hearing on this regulation in accordance with the instructions provided in this unit and in 40 CFR part 178. To ensure proper receipt by EPA, you must identify docket control number OPP-301110 in the subject line on the first page of your submission. All requests must be in writing, and must be mailed or delivered to the Hearing Clerk on or before June 11, 2001.

1. *Filing the request.* Your objection must specify the specific provisions in the regulation that you object to, and the grounds for the objections (40 CFR 178.25). If a hearing is requested, the objections must include a statement of the factual issues(s) on which a hearing is requested, the requestor's contentions on such issues, and a summary of any evidence relied upon by the objector (40 CFR 178.27). Information submitted in connection with an objection or hearing request may be claimed confidential by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. A copy of the information that does not contain CBI must be submitted for inclusion in the public record. Information not marked confidential may be disclosed publicly by EPA without prior notice.

Mail your written request to: Office of the Hearing Clerk (1900), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. You may also deliver your request to the Office of the Hearing Clerk in Rm. C400, Waterside Mall, 401 M St., SW., Washington, DC 20460. The Office of the Hearing Clerk is open from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Office of the Hearing Clerk is (202) 260-4865.

2. *Tolerance fee payment.* If you file an objection or request a hearing, you must also pay the fee prescribed by 40 CFR 180.33(i) or request a waiver of that fee pursuant to 40 CFR 180.33(m). You must mail the fee to: EPA Headquarters Accounting Operations Branch, Office of Pesticide Programs, P.O. Box 360277M, Pittsburgh, PA 15251. Please identify the fee submission by labeling it "Tolerance Petition Fees."

EPA is authorized to waive any fee requirement "when in the judgement of the Administrator such a waiver or refund is equitable and not contrary to the purpose of this subsection." For additional information regarding the waiver of these fees, you may contact James Tompkins by phone at (703) 305-

5697, by e-mail at tompkins.jim@epa.gov, or by mailing a request for information to Mr. Tompkins at Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

If you would like to request a waiver of the tolerance objection fees, you must mail your request for such a waiver to: James Hollins, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

3. *Copies for the Docket.* In addition to filing an objection or hearing request with the Hearing Clerk as described in Unit VI.A., you should also send a copy of your request to the PIRIB for its inclusion in the official record that is described in Unit I.B.2. Mail your copies, identified by docket control number OPP-301110, to: Public Information and Records Integrity Branch, Information Resources and Services Division (7502C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460. In person or by courier, bring a copy to the location of the PIRIB described in Unit I.B.2. You may also send an electronic copy of your request via e-mail to: opp-docket@epa.gov. Please use an ASCII file format and avoid the use of special characters and any form of encryption. Copies of electronic objections and hearing requests will also be accepted on disks in WordPerfect 6.1/8.0 or ASCII file format. Do not include any CBI in your electronic copy. You may also submit an electronic copy of your request at many Federal Depository Libraries.

#### B. When Will the Agency Grant a Request for a Hearing?

A request for a hearing will be granted if the Administrator determines that the material submitted shows the following: There is a genuine and substantial issue of fact; there is a reasonable possibility that available evidence identified by the requestor would, if established resolve one or more of such issues in favor of the requestor, taking into account uncontested claims or facts to the contrary; and resolution of the factual issues(s) in the manner sought by the requestor would be adequate to justify the action requested (40 CFR 178.32).

#### VII. Regulatory Assessment Requirements

This final rule establishes a tolerance under FFDCA section 408(d) in response to a petition submitted to the Agency. The Office of Management and

Budget (OMB) has exempted these types of actions from review under Executive Order 12866, entitled *Regulatory Planning and Review* (58 FR 51735, October 4, 1993). This final rule does not contain any information collections subject to OMB approval under the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, or impose any enforceable duty or contain any unfunded mandate as described under Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104-4). Nor does it require any special considerations under Executive Order 12898, entitled *Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations* (59 FR 7629, February 16, 1994); or OMB review or any Agency action under Executive Order 13045, entitled *Protection of Children from Environmental Health Risks and Safety Risks* (62 FR 19885, April 23, 1997). This action does not involve any technical standards that would require Agency consideration of voluntary consensus standards pursuant to section 12(d) of the National Technology Transfer and Advancement Act of 1995 (NTTAA), Public Law 104-113, section 12(d) (15 U.S.C. 272 note). Since tolerances and exemptions that are established on the basis of a petition under FFDCA section 408(d), such as the tolerance in this final rule, do not require the issuance of a proposed rule, the requirements of the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) do not apply. In addition, the Agency has determined that this action will not have a substantial direct effect on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, entitled *Federalism* (64 FR 43255, August 10, 1999). Executive Order 13132 requires EPA to develop an accountable process to ensure "meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications." "Policies that have federalism implications" is defined in the Executive Order to include regulations that have "substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government." This final rule directly regulates growers, food processors, food handlers and food retailers, not States. This action does not alter the relationships or distribution of

power and responsibilities established by Congress in the preemption provisions of FFDCA section 408(n)(4).

For these same reasons, the Agency has determined that this rule does not have any "tribal implications" as described in Executive Order 13175, entitled *Consultation and Coordination with Indian Tribal Governments* (65 FR 67249, November 6, 2000). Executive Order 13175, requires EPA to develop an accountable process to ensure "meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications." "Policies that have tribal implications" is defined in the Executive Order to include regulations that have "substantial direct effects on one or more Indian tribes, on the relationship between the Federal government and the Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes." This rule will not have substantial direct effects on tribal governments, on the relationship between the Federal government and Indian tribes, or on the distribution of power and responsibilities between the Federal government and Indian tribes, as specified in Executive Order 13175. Thus, Executive Order 13175 does not apply to this rule.

#### VIII. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of this final rule in the **Federal Register**. This final rule is not a "major rule" as defined by 5 U.S.C. 804(2).

#### List of Subjects in 40 CFR Part 180

Environmental protection, Administrative practice and procedure, Agricultural commodities, Pesticides and pests, Reporting and recordkeeping requirements.

Dated: March 30, 2001.

**Joseph J. Merenda,**

*Acting Director, Office of Pesticide Programs.*

Therefore, 40 CFR chapter I is amended as follows:

#### PART 180—[AMENDED]

1. The authority citation for part 180 continues to read as follows:

**Authority:** 21 U.S.C. 321(q), 346(a) and 371.

2. Section 180.567 is added to read as follows:

#### § 180.567 Zoxamide; tolerances for residues.

(a) *General.* (1) Tolerances are established for residues of zoxamide (3,5-dichloro-N-(3-chloro-1-ethyl-1-methyl-2-oxopropyl)-4-methylbenzamide) in or on the following commodities:

Commodity	Parts per million
Grape .....	3.0
Grape, raisins .....	15.0

(2) Tolerances are established for the combined residues of zoxamide and its metabolites 3,5-dichloro-1,4-benzenedicarboxylic acid (RH-1455 and RH-141455) and 3,5-dichloro-4-hydroxymethylbenzoic acid (RH-1452 and RH-141452) in or on the following commodities:

Commodity	Parts per million
Potato, tuber .....	0.060
Potato, granule/flakes .....	0.30
Potato, wet peel .....	0.10

(b) *Section 18 emergency exemptions.* [Reserved]

(c) *Tolerances with regional registrations.* [Reserved]

(d) *Indirect or inadvertent residues.* [Reserved]

[FR Doc. 01-8931 Filed 4-10-01; 8:45 am]

**BILLING CODE 6560-50-S**

#### FEDERAL COMMUNICATIONS COMMISSION

##### 47 CFR Part 73

[DA 01-858, MM Docket No. 01-3, RM-10010]

#### Digital Television Broadcast Service; Jacksonville, NC

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission, at the request of The University of North Carolina, licensee of noncommercial station WUNM-TV, NTSC channel \*19, substitutes DTV channel \*18 for DTV channel \*44 at Jacksonville, North



Carolina. See 66 FR 2395, January 11, 2001. DTV channel \*18 can be allotted to Jacksonville in compliance with the principle community coverage requirements of Section 73.625(a) at reference coordinates (35–06–18 N. and 77–20–15 W.) with a power of 65.0, HAAT of 561 meters and with a DTV service population of 713 thousand. With this action, this proceeding is terminated.

**DATES:** Effective May 21, 2001.

**FOR FURTHER INFORMATION CONTACT:** Pam Blumenthal, Mass Media Bureau, (202) 418–1600.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MM Docket No. 01–3, adopted April 4, 2001, and released April 6, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center, 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

#### List of Subjects in 47 CFR Part 73

Television, Digital television broadcasting.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

#### 47 CFR PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

**Authority:** 47 U.S.C. 154, 303, 334, 336.

##### § 73.622 [Amended]

2. Section 73.622(b), the Table of Digital Television Allotments under North Carolina, is amended by removing DTV channel \*44 and adding DTV channel \*18 at Jacksonville.

Federal Communications Commission.

**Barbara A. Kreisman,**

*Chief, Video Services Division, Mass Media Bureau.*

[FR Doc. 01–8842 Filed 4–10–01; 8:45 am]

**BILLING CODE 6712–01–P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 01–806; MM Docket No. 99–141; RM–9339]

#### Radio Broadcasting Services; Monticello Arkansas, Bastrop, LA

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission, at the request of Midway Broadcasting Company, succeeded in interest by Community Radio Network, Inc., licensee of Station KHBH–FM, Monticello, Arkansas, substitutes Channel 229C2 for Channel 229C3 at Monticello, Arkansas, and modifies its authorization accordingly. In addition, Channel 230A is substituted for Channel 230C3 at Bastrop, Louisiana, Channel 232A is deleted at Bastrop, and the authorization for Station KTRY–FM, Bastrop, is modified to operation on Channel 230A. See 64 FR 24565–6 (May 7, 1999). Channel 229C2 is allotted at Monticello at petitioner's requested site located 23.3 kilometers (14.5 miles) northeast of the community at coordinates 33–43–44 NL and 91–34–04 WL. Channel 230A is substituted for 232A and Channel 230C3 is deleted at Bastrop, Louisiana, and the license for Station KTRY(FM) is modified to specify Channel 230A at the station's existing site at coordinates 32–49–10 NL and 91–54–29 WL.

**DATES:** Effective June 14, 2001.

**FOR FURTHER INFORMATION CONTACT:** Victoria M. McCauley, Mass Media Bureau, (202) 418–2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MM Docket No. 99–141, adopted March 21, 2001, and released March 30, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

## PART 73—RADIO BROADCAST SERVICES

1. The authority citation for Part 73 continues to read as follows:

**Authority:** 47 U.S.C. 154, 303, 334 and 336.

### PART 73—[AMENDED]

#### § 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Arkansas, is amended by removing Channel 229C3 and adding Channel 229C2 at Monticello.

3. Section 73.202(b), the Table of FM Allotments under Louisiana is amended by removing Channels 232A and 230C3 and adding Channel 230A at Bastrop.

Federal Communications Commission.

**John A. Karousos,**

*Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.*

[FR Doc. 01–8840 Filed 4–10–01; 8:45 am]

**BILLING CODE 6712–01–P**

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 73

[DA 01–857, MM Docket No. 01–2, RM–10036]

#### Television Broadcast Service; New Iberia, LA

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule.

**SUMMARY:** The Commission, at the request of Iberia Communications, L.L.C., substitutes TV channel 53 for TV channel 36—at New Iberia, Louisiana. See 66 FR 2396, January 11, 2001. TV channel 53 can be allotted to New Iberia with a minus offset in compliance with minimum distance separation requirements of Section 73.610 and with the criteria set forth in the Commission's Public Notice released on November 22, 1999. The coordinates for channel 53—at New Iberia are North Latitude 30–12–48 and West Longitude 91–45–58.

With this action, this proceeding is terminated.

**DATES:** Effective May 21, 2001.

**FOR FURTHER INFORMATION CONTACT:** Pam Blumenthal, Mass Media Bureau, (202) 418–1600.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Report and Order, MM Docket No. 01–2, adopted April 4, 2001, and released April 6, 2001. The full text of this Commission decision is available for inspection and copying during normal

business hours in the FCC Reference Center, 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Services, Inc., (202) 857-3800, 1231 20th Street, NW., Washington, DC 20036.

#### List of Subjects in 47 CFR Part 73

Television, Digital television broadcasting.

Part 73 of Title 47 of the Code of Federal Regulations is amended as follows:

#### PART 73—[AMENDED]

1. The authority citation for Part 73 continues to read as follows:

**Authority:** 47 U.S.C. 154, 303, 334, 336.

#### § 73.606 [Amended]

2. Section 73.606(b), the Table of Television Allotments under Louisiana, is amended by removing TV channel 36—and adding TV channel 56—at New Iberia.

Federal Communications Commission.

**Barbara A. Kreisman,**  
Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 01-8843 Filed 4-10-01; 8:45 am]

BILLING CODE 6712-01-P

## DEPARTMENT OF DEFENSE

### GENERAL SERVICES ADMINISTRATION

### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

#### 48 CFR Parts 9, 14, 15, 31, and 52

[FAC 97-24 Correction]

#### Federal Acquisition Regulation; Correction to FAR Case 1999-010, Contractor Responsibility, Labor Relations Costs, and Costs Relating to Legal and Other Proceedings (Stay)

**AGENCIES:** Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

**ACTION:** Corrections.

**SUMMARY:** The Civilian Agency Acquisition Council and the Defense Acquisition Regulations Council are issuing a correction to FAC 97-24 to correct the instruction for the revision of the Certification entitled "Certification Regarding Debarment, Suspension or Ineligibility for Award (Executive Order 12549)."

**EFFECTIVE DATE:** April 11, 2001.

**FOR FURTHER INFORMATION CONTACT:** Ms. Laurie Duarte at (202) 501-4755, General Services Administration, FAR Secretariat, Washington, DC 20405.

#### SUPPLEMENTARY INFORMATION:

##### Correction

In the interim rule document appearing in the **Federal Register** at 66 FR 17754, April 3, 2001, make the following correction:

#### 52.209-5 [Corrected]

On page 17756, second line of the third column, remove the reference "(a)(1)(i)(B)" and insert "(a)(1)(i)(D)" in its place.

#### 52.212-3 [Corrected]

1. On page 17756, in the third column, revise instruction number 8b. to read as follows:

8. \* \* \*

b. Redesignate paragraph (i) as paragraph (j) and add a new paragraph (i) to read as follows:

\* \* \* \* \*

Dated: April 6, 2001.

**Al Matera,**

Director, Acquisition Policy Division.

[FR Doc. 01-8921 Filed 4-10-01; 8:45 am]

BILLING CODE 6820-EP-P

# Proposed Rules

Federal Register

Vol. 66, No. 70

Wednesday, April 11, 2001

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### 14 CFR Part 71

[Airspace Docket No. 01-ANM-03]

#### Proposed Establishment of Class E Airspace, Malta, MT

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This action proposes to establish Class E airspace at Malta, MT. Newly developed Area Navigation (RNAV) Standard Instrument Approach Procedures (SIAP) to the Malta Airport has made this proposal necessary. Class E 700 feet and 1,200 feet controlled airspace, above the surface of the earth is required to contain aircraft executing procedures in the Instrument Flight Rules (IFR). The intended effect of this proposal is to provide adequate controlled airspace for Instrument Flight Rules (IFR) operations at Malta Airport, Malta, MT.

**DATES:** Comments must be received on or before May 29, 2001.

**ADDRESSES:** Send comments on the proposal in triplicate to: Manager, Airspace Branch, ANM-520, Federal Aviation Administration, Docket No. 01-ANM-03, 1601 Lind Avenue SW., Renton, Washington 98055-4056.

An informal docket may also be examined during normal business hours in the office of the Manager, Air Traffic Division, Airspace Branch, at the address listed above.

**FOR FURTHER INFORMATION CONTACT:** Brian Durham, ANM-520.7, Federal Aviation Administration, Docket No. 01-ANM-03, 1601 Lind Avenue SW., Renton, Washington 98055-4056; telephone number: (425) 227-2527.

#### SUPPLEMENTARY INFORMATION:

#### Comments Invited

Interested parties are invited to participate in this proposed rulemaking

by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit, with those comments, a self-addressed stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 01-ANM-03." The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in the light of comments received. All comments submitted will be available for examination at the address listed above both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

#### Availability of NPRM's

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Airspace Branch, ANM-520, 1601 Lind Avenue SW, Renton, Washington 98055-4056. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2A, which describes the application procedure.

#### The Proposal

The FAA is considering an amendment to Title 14 Code of Federal Regulations, part 71 (14 CFR part 71) by establishing Class E airspace legal description at Malta, MT. Newly developed RNAV SIAPs to Runway 8 and Runway 26 has made this proposal necessary. Class E 700 feet and 1,200

feet controlled airspace, above the surface of the earth is required to contain aircraft executing IFR Procedures at Malta Airport. The FAA establishes Class E airspace where necessary to contain aircraft transitioning between the terminal and en route environments. The intended effect of this proposal is designed to provide for the safe and efficient use of the navigable airspace. This proposal would promote safe flight operations under IFR at the Malta Airport and between the terminal and en route transition stages.

The area would be depicted on aeronautical charts for pilot reference. The coordinates for this airspace docket are based on North American Datum 83. Class E airspace areas extending upward from 700 feet or more above the surface of the earth, are published in Paragraph 6005, of FAA Order 7400.9H dated September 1, 2000, and effective September 16, 2000, which is incorporated by reference in CFR 71.1 The Class E airspace designation listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11013; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

#### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

#### The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

**PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS**

1. The authority citation for 14 CFR part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

**§ 71.1 [Amended]**

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9H, Airspace Designations and Reporting Points, dated September 1, 2000, and effective September 16, 2000, is amended as follows:

*Paragraph 6005 Class E areas extending upward from 700 feet or more above the surface of the earth.*

**ANM MT E5 Malta, MT [New]**

Malta Airport, MT

(Lat. 48°22'01" N., long. 107°55'10" W.)

That airspace extending upward from 700 feet above the surface within the 4.3 mile radius of the Malta Airport, and within 2.5 miles each side of the 270° bearing from the Malta Airport extending from the 4.3-mile radius to 6.5 miles west of the Airport, and within 2.5 miles each side of the 090° bearing from the Malta Airport extending from the 4.3-mile radius to 5.4 miles east of the Airport; and that airspace extending upward from 1200 feet above the surface bounded by a line beginning at lat. 48°34'30" N., long. 108°43'00" W.; to lat. 48°34'30" N., long. 107°00'00" W.; to lat. 48°05'12" N., long. 107°00'00" W.; to lat. 48°17'41" N., long. 108°43'00" W., to the point of origin; excluding that airspace within Federal Airways.

\* \* \* \* \*

Issued in Seattle, Washington, on April 4, 2001.

**Dan A. Boyle,**

*Assistant Manager, Air Traffic Division,  
Northwest Mountain Region.*

[FR Doc. 01–8824 Filed 4–10–01; 8:45 am]

**BILLING CODE 4910–13–M**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 71**

**[Airspace Docket No. 00–ANM–29]**

**Proposed Modification of Class E Airspace, Salmon, ID**

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of proposed rulemaking (NPRM).

**SUMMARY:** This action proposes to modify the Class E airspace at Salmon, ID. Newly developed Area Navigation (RNAV) and VOR/DME Standard Instrument Approach Procedure (SIAP), and the RNAV Departure Procedure (DP) at the Salmon Lemhi County Airport has made this proposal necessary. Additional Class E 700-foot and 1,200-foot controlled airspace, above the surface of the earth is required to contain aircraft executing the RNAV and VOR/DME SIAPs, and RNAV DP at Salmon Lemhi County Airport. The intended effect of this proposal is to provide adequate controlled airspace for Instrument Flight Rules (IFR) operations at Salmon Lemhi County Airport, Salmon, ID.

**DATES:** Comments must be received on or before May 29, 2001.

**ADDRESSES:** Send comments on the proposal in triplicate to: Manager, Airspace Branch, ANM–520, Federal Aviation Administration, Docket No. 00–ANM–29, 1601 Lind Avenue SW., Renton, Washington 98055–4056.

An informal docket may also be examined during normal business hours in the office of the Manager, Air Traffic Division, Airspace Branch, at the address listed above.

**FOR FURTHER INFORMATION CONTACT:** Brian Durham, ANM–520.7, Federal Aviation Administration, Docket No. 00–ANM–29, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone number: (425) 227–2527.

**SUPPLEMENTARY INFORMATION:**

**Comments Invited**

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy relate aspects of the proposal.

Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this action must submit, with those comments, a self-addressed stamped postcard on which the following statement is made:

“Comments to Airspace Docket No. 00–ANM–29.” The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified

closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this action may be changed in the light of comments received. All comments submitted will be available for examination at the address listed above both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

**Availability of NPRM's**

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Airspace Branch, ANM–520, 1601 Lind Avenue SW., Renton, Washington 98055–4056. Communications must identify the docket number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A, which describes the application procedure.

**The Proposal**

The FAA is considering an amendment to Title 14 Code of Federal Regulations, part 71 (14 CFR part 71) by modifying Class E airspace at Salmon, ID. A newly developed RNAV–C and VOR/DME–B SIAPs, and AHEHU RNAV DP at the Salmon Lemhi County Airport, has made this proposal necessary. Additional Class E 700-foot and 1,200-foot controlled airspace, above the surface of the earth is required to contain aircraft executing the RNAV–C and VOR/DME–B SIAPs, and AHEHU RNAV DP at Salmon Lemhi County Airport. The FAA establishes Class E airspace where necessary to contain aircraft transitioning between the terminal and en route environments. The intended effect of this proposal is designed to provide the safe and efficient use of the navigable airspace. This proposal would promote safe flight operations under IFR at the Salmon Lemhi County Airport and between the terminal and en route transition stages.

The area would be depicted on aeronautical charts for pilot reference. The coordinates for this airspace docket are based on North American Datum 83. Class E airspace areas extending upward from 700 feet or more above the surface of the earth, are published in Paragraph 6005, of FAA Order 7400.9H dated September 1, 2000, and effective September 16, 2000, which is incorporated by reference in 14 CFR 71.1 The Class E airspace designation listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a "significant regulatory action" under Executive Order 12866; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11013; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

#### List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

#### The Proposed Amendment

In considering of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

#### PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for 14 CFR part 71 continues to read as follows:

**Authority:** 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

##### § 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9H, Airspace Designations and Reporting Points, dated September 1, 2000, and effective September 16, 2000, is amended as follows:

*Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.*

\* \* \* \* \*

#### ANM ID E5 Salmon, ID [Revised]

Salmon, Lemhi County Airport, ID  
(Lat 45°07'14" N., long. 113°52'55" W.)  
Salmon VORTAC  
(Lat. 45°01'17" N., long. 114°05'04" W.)

That airspace extending upward from 7000 feet above the surface within the 12.2-mile radius of the Lemhi County Airport, and within 6.5 miles each side of the 328° bearing from the 12.2 mile radius extending to 17.9 miles, and within 7.8 miles each side of the Salmon VORTAC 054° AND 234° radial

extending from the 12.2-mile radius of the Airport to 17.5 miles southwest of the VORTAC; that airspace extending upward from 1,200 feet above the surface bounded by a nine beginning at lat. 45°04'50" N., long. 114°32'53" W.; to lat. 45°12'31" N., long. 114°16'24" W.; to lat. 45°42'45" N., long. 114°16'24" W.; to lat. 45°42'45" N., long. 113°48'29" W.; to lat. 45°38'30" N., long. 113°25'10" W.; to lat. 45°24'35" N., long. 113°18'25" W.; to lat. 44°43'23" N., long. 113°42'40" W.; to lat. 44°43'23" N., long. 114°32'53" W. to the point of origin; excluding that airspace within Federal Airways.

\* \* \* \* \*

Issued in Seattle, Washington, on April 2, 2001.

**Dan A. Boyle,**

*Assistant Manager, Air Traffic Division,  
Northwest Mountain Region.*

[FR Doc. 01–8933 Filed 4–10–01; 8:45 am]

**BILLING CODE 4910–13–M**

#### CONSUMER PRODUCT SAFETY COMMISSION

#### 16 CFR PART 1700

#### Household Products Containing Hydrocarbons; Notice of Data Availability and Request for Comments

**AGENCY:** Consumer Product Safety Commission.

**ACTION:** Notice of data availability and request for comment.

**SUMMARY:** In the *Federal Register* of January 3, 2000, the Consumer Product Safety Commission ("CPSC" or "Commission") published a notice of proposed rulemaking ("NPR") proposing child-resistant packaging requirements for household chemical and cosmetic products with viscosity less than 100 Saybolt Universal Seconds ("SUS") containing 10 percent or more hydrocarbons. 65 FR 93. Since that time, CPSC's staff has acquired brand name-specific data on exposure to possible hydrocarbon-containing cosmetics and has conducted an analysis of that data as well as an additional analysis of the data available when the NPR was issued.

This notice makes these staff analyses available for public comment. Today's notice does not re-open the comment period on the NPR.

**DATES:** The Commission must receive any comments in response to this notice by May 11, 2001.

**ADDRESSES:** Comments should be mailed, preferably in five copies, to the Office of the Secretary, Consumer Product Safety Commission, Washington, DC 20207–0001, or delivered to the Office of the Secretary,

Consumer Product Safety Commission, Room 502, 4330 East-West Highway, Bethesda, Maryland 20814; telephone (301) 504–0800. Comments also may be filed by facsimile to (301)504–0127 or by e-mail to [cpsc-os@cpsc.gov](mailto:cpsc-os@cpsc.gov). Comments should be captioned "Notice of Additional Hydrocarbon Data."

#### FOR FURTHER INFORMATION CONTACT:

Suzanne Barone, Directorate for Health Sciences, Consumer Product Safety Commission, Washington, DC 20207; telephone (301) 504–0477, ext. 1196.

#### SUPPLEMENTARY INFORMATION:

#### A. Background

The January 3, 2000 NPR presented ingestion data collected by the American Association of Poison Control Centers' ("AAPCC") Toxic Exposure Surveillance System ("TESS") for general cosmetic categories that may contain low viscosity hydrocarbons. The categories included: (1) Miscellaneous nail products; (2) sunscreen and suntan preparations; (3) bubble bath and bath oil; and (4) creams, lotions, and make-up. The data presented in the NPR were from the years 1995 through 1997.

A total of 74,042 ingestion incidents were reported in these product categories. While these incidents were not limited to known hydrocarbon-containing cosmetics, they demonstrate that children access the contents of these types of products in the home. Thus, if such products contain hydrocarbons of low viscosity, aspiration and therefore serious injury, can result. In addition, the NPR included 1996–1997 AAPCC data for exposures to baby oil, a cosmetic product known to contain low viscosity mineral oil, which is a hydrocarbon.

An analysis of brand name-specific cosmetic data obtained by CPSC staff after the NPR was issued is presented below. Data on additional deaths and the additional CPSC staff analysis of the data available when the NPR was issued are also presented.

#### B. Brand-Specific Cosmetic Data

At the December 3, 1999 Commission briefing on the NPR, Commissioner Gall requested that the staff develop a plan for the collection and analysis of additional data related to ingestion incidents involving mineral oil-based cosmetics.<sup>1</sup> The staff recommended, and the Commission approved, the purchase of additional information from the

<sup>1</sup> See Statement of Commissioner Mary Sheila Gall on publication of a notice of proposed rulemaking to require special packaging for low-viscosity hydrocarbons, December 3, 1999. See also, Statement of Commissioner Thomas H. Moore on the same subject. (Copies of these statements are available from the CPSC Office of the Secretary.)

AAPCC on ingestion incidents involving mineral oil-based cosmetics. Permission was obtained from the AAPCC Board of Directors to purchase brand name data for the year 1998 for four cosmetic categories. Data on the following product categories were purchased: (1) Miscellaneous nail products; (2) sunscreen and suntan preparations; (3) bubble bath and bath oil; and (4) creams, lotions, and make-up.

A comment was received from the Cosmetic, Toiletry, and Fragrance Association (CTFA) (CP00-1-6) in response to the NPR requesting the opportunity to review and comment on the additional cosmetic data purchased from the AAPCC. These data contain brand names and must remain proprietary under the terms by which CPSC acquired them from the AAPCC. Therefore the database cannot be made available to the public. However, the staff analysis of the data that is summarized in this notice is available to the public. Copies may be obtained from the Office of the Secretary. The analysis is also available on the CPSC world wide web site at: <http://www.cpsc.gov/library/foia/foia01/brief/hydrocar.pdf>.

The supplemental AAPCC cosmetic database purchase contained a total of 31,903 ingestion cases coded as: (1) Miscellaneous nail products; (2) sunscreen and suntan preparations; (3) bubble bath or bath oil; and (4) creams, lotions, and make-up. Of these, 538 cases involved ingestion of more than one substance and were therefore eliminated from consideration. Of the 31,365 single substance ingestions, 476 involved potential aspirations as defined below by CPSC staff in Section D., Additional Analysis of Data Available when NPR Was Issued. Seventeen of the aspiration cases involved a serious medical outcome.<sup>2</sup>

CPSC staff eliminated 2,049 products (22,262 exposures) from further consideration because either the products were known not to contain hydrocarbons or the formulations were emulsions or solids. Of the remainder, 30 products (1,461 exposures) would require child-resistant packaging under the proposed rule. Staff lacked sufficient information to make that determination for 222 products (7,642 exposures). Some of these were from a specific cosmetic product category such as "bath oil," some members of which may require packaging under the rule as proposed, but were products for which a brand name was not available. The

remaining ones were products for which no formulation information was available.

The staff evaluated the combined data set of cases that were either known to be or might be subject to the rule as proposed. The two parameters evaluated were potential aspiration and serious injury. Five potential aspiration cases were identified in this manner as having serious medical outcomes. Three of these cases involved baby oil and two involved bath oil. There were 224 additional cases coded as potential aspirations that did not result in serious effects. Seventy-nine cases resulted in serious outcomes but did not meet the staff criteria for potential aspiration.

### C. Additional Deaths

Seven fatalities were identified in categories of products known to contain hydrocarbons. Five of these deaths were not reported in the NPR or the preceding advance notice of proposed rulemaking ("ANPR"). 62 FR 8,659 (February 26, 1997). Of these, three deaths were identified in TESS that were caused by products that appear not to be subject to the rule. The first case was the death of a child following ingestion and aspiration of a homemade cleaning product. The second case was the death of a child following ingestion and aspiration of motor oil. The third TESS case was the death of a child following ingestion and aspiration of hair oil. The products involved in these three deaths either contain less than 10 percent hydrocarbons or have a viscosity greater than 100 SUS at 100° F.

The other two deaths that were identified in CPSC databases were apparently caused by products that would be subject to the rule as proposed. The first death occurred in 1997 when a 12-month female died 45 days following ingestion of baby oil. The autopsy revealed that the child died as a result of a left hemothorax due to complications from swallowing and aspirating baby oil.

The second death occurred in 2000 when a 9-month old female died six days following the ingestion of a hair moisturizer product. The patient suffered respiratory arrest and died in the intensive care unit.

### D. Additional Analysis of Data Available When NPR Was Issued

Commissioner Gall's specific interest in cases involving mineral oil-based cosmetics also prompted a reevaluation by CPSC staff of the data available at the NPR stage with a focus on aspiration. The data presented in the NPR contained 114 cases of cosmetic

exposure coded as aspirations by the AAPCC for the years 1995, 1996, and 1997 (29, 36, and 49 respectively).

TESS codes identify the routes of exposure for poisoning cases. These route codes include, "ingestion," "aspiration," "inhalation/nasal," "ocular," "dermal," "bite/sting," or "parenteral." The 74,042 incidents identified in the NPR were ingestions that did not also involve other routes of exposure. However, according to AAPCC coding guidelines, all cases coded as aspiration are also coded as ingestions.

Upon reevaluation, the CPSC staff believed that using only incidents coded with the aspiration route of exposure was underestimating the number of aspiration incidents. Numerous cases not coded as aspirations resulted in respiratory effects. Therefore, in addition to any case coded as an aspiration by the AAPCC, any inhalation or nasal route of exposure case, and any ingestion case that also had related respiratory effects, was considered by the CPSC staff to be a potential aspiration. Many of these cases are not coded as aspiration cases by the AAPCC. For example, a case of aspiration of hydrocarbon following vomiting may not be coded as an aspiration by the AAPCC because the initial route of exposure may have been ingestion. However, if the child exhibits respiratory effects related to the poisoning, the case would be considered an "aspiration" for purposes of this analysis.

The CPSC staff reanalyzed the TESS data originally presented in the NPR to take into account the additional cases of potential aspiration. In addition, several other changes were made. The analysis was expanded to include cases involving all routes of exposure. However, cases involving more than one product and cases where the age of the child was unknown were eliminated.

Reanalysis of the TESS cosmetic data in this manner resulted in 1200 cases of potential aspiration for the years 1995-1997 as opposed to the 114 cases identified in the NPR.

The TESS cosmetic data for the years 1993 through 1999 show 186,359 exposures with 2,894 potential aspirations. The TESS data also show 109,823 exposures to household chemical product categories that may contain hydrocarbons, 8,221 of which were potential aspirations.

The detailed staff reanalysis of these data is available to the public. Copies may be obtained from the Office of the Secretary. The reanalysis is also available on the CPSC world wide web

<sup>2</sup> "Serious medical outcome" is defined for purposes of this analysis as a TESS case with an outcome coded as "moderate effect," "major effect," death, or "not followed up-potentially toxic."

site at: <http://www.cpsc.gov/library/foia/foia01/brief/hydrocar.pdf>.

Dated: April 6, 2001.

**Todd A. Stevenson,**

*Acting Secretary, Consumer Product Safety Commission.*

[FR Doc. 01-8955 Filed 4-10-01; 8:45 am]

BILLING CODE 6355-01-P

## FEDERAL COMMUNICATIONS COMMISSION

### 47 CFR Part 2

[DA 01-786, ET Docket No. 00-258]

#### Final Report Spectrum Study of 2500-2690 MHz Band: The Potential for Accommodating Third Generation Mobile Systems

**AGENCY:** Federal Communications Commission.

**ACTION:** Request for comments.

**SUMMARY:** On March 30, 2001, the Federal Communications Commission released a Final Report on a spectrum study of the 2500-2690 MHz band for Third Generation (3G) wireless systems. The Final Report reviews and evaluates the earlier analyses and evaluates additional topics, including potential alternate frequency bands for relocating Instructional Television Fixed Service and Multipoint Distribution Service operations and the costs associated with relocation.

**DATES:** Comments Due: April 16, 2001.

**FOR FURTHER INFORMATION CONTACT:**

Rodney Small, or Geraldine Matise, Office of Engineering and Technology, (202) 418-2452, or (202) 418-2322, respectively; internet: [rsmall@fcc.gov](mailto:rsmall@fcc.gov), or [gmatise@fcc.gov](mailto:gmatise@fcc.gov), respectively.

**SUPPLEMENTARY INFORMATION:** This is a summary of the text of the Public Notice, DA 01-786 released March 30, 2001. This document is available on the Commission's Internet site, at [www.fcc.gov](http://www.fcc.gov). It is also available for inspection and copying during regular business hours in the FCC Reference Center, Room CY-A257, 445 12th Street, SW., Washington, DC, and also may be purchased from the Commission's duplication contractor, International Transcription Service, Inc., (202) 857-3800, 1231 20th Street, NW., Washington, DC 20036.

#### Summary of the Public Notice

1. The staff of the Federal Communications Commission today released a Final Report on a spectrum study of the 2500-2690 MHz band for Third Generation (3G) wireless systems. The Final Report was prepared under

the leadership of the Office of Engineering and Technology, in cooperation with the Mass Media Bureau, Wireless Telecommunications Bureau, and the International Bureau.

2. The 2500-2690 MHz band was identified by the 2000 World Radiocommunication Conference (WRC-2000) as candidate spectrum for 3G systems, along with the 806-960 MHz and 1710-1885 MHz bands. The WRC-2000 results allow countries flexibility in deciding how to implement 3G systems. The conference recognized that in many countries the frequency bands identified for 3G may already be in use by equally vital services. In the United States, the 2500-2690 MHz band is currently used by the Instructional Television Fixed Service (ITFS) and Multipoint Distribution Service (MDS).

3. The technical study of the 2500-2690 MHz band has been conducted in two stages. In an Interim Report in ET Docket No. 00-232, released November 15, 2000, the staff examined technical characteristics of 3G systems; the existing and planned use of the 2500-2690 MHz band; the ability for 3G systems to share spectrum with incumbent services; and possible options for segmenting the frequency band to provide spectrum for 3G systems. The Final Report reviews and evaluates the earlier analyses and evaluates additional topics, including potential alternate frequency bands for relocating ITFS/MDS operations and the costs associated with relocation.

4. The study conducted by the FCC staff is a companion to a study done by the National Telecommunications and Information Administration (NTIA) on the 1755-1850 MHz band. The NTIA Interim Report ("Federal Operations in the 1755-1850 MHz Band: The Potential for Accommodating Third Generation Mobile Systems"), which was issued on November 15, 2000, and the NTIA Final Report ("The Potential for Accommodating Third Generation Mobile Systems in the 1710-1850 MHz Band: Federal Operations, Relocation Costs, and Operational Impacts") cover the same topics as the FCC staff reports. The FCC and NTIA band study reports are consistent with a Study Plan issued by Department of Commerce on October 20, 2000.

5. Earlier this year, the Commission issued a Notice of Proposed Rulemaking (NPRM) in ET Docket No. 00-258 on January 5, 2001, to examine and propose spectrum for allocation to fixed and mobile services that would be capable of being used to provide 3G wireless services. The NPRM recognized that a number of frequency bands, including

the 1755-1850 MHz and 2500-2690 MHz bands, are capable of supporting advanced wireless systems, and invited comment on the Interim Reports issued by the FCC staff and NTIA. To provide a complete record on issues under review in ET Docket No. 00-258, the Commission seeks comment on the Final Reports of the 1755-1850 MHz and 2500-2690 MHz band studies.

6. We hereby solicit comment by April 16, 2001 on the issues raised in the Final Reports. Comments should be filed in ET Docket No. 00-258. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies. Generally, only one electronic submission must be filed. If filing by paper, parties must file an original and four copies. Parties should send comments to the Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W., Washington, D.C. 20554. Parties are also encouraged to file a copy of all pleadings on a 3.5 inch diskette in Word 97 format.

7. Comments filed through the ECFS can be sent as an electronic file via the Internet at <http://www.fcc.gov/e-file/ecfs.html>. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket number. Parties may also submit an electronic comment by Internet e-mail. To obtain filing instructions for e-mail comments, commenters should send an e-mail to [ecfs@fcc.gov](mailto:ecfs@fcc.gov), and should include the following words in the body of the message: "get form (your e-mail address)." A sample form and directions will be sent in reply.

8. The full texts of the FCC and NTIA Final Reports are available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY-A257, Washington, DC 20554. These documents may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW, 20036., telephone 202-857-3800, facsimile 202-857-3805, TTY 202-293-8810. You may also view the FCC Final Report at <http://www.fcc.gov/3G/> and the NTIA Final Report at <http://www.ntia.doc.gov/ntiahome/threeg/>

9. This matter shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules. See 47 CFR 1.1200 and 1.1206. Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance or the presentations

and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented generally is required. *See* 47 CFR 1.1206(b). Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in 47 CFR 1.1206(b).

10. This action is taken pursuant to authority found in sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. 154(i) and 303(r); and pursuant to sections 0.31 and 0.241 of the Commission's Rules, 47 CFR 0.31 and 0.241.

11. For further information, contact Geraldine Matisse, Office of Engineering and Technology, 202-418-2322

([gmatise@fcc.gov](mailto:gmatise@fcc.gov)) or Rodney Small, Office of Engineering and Technology, 202-418-2452 ([rsmall@fcc.gov](mailto:rsmall@fcc.gov)).

Federal Communications Commission.

**Geraldine Matisse,**

*Deputy Chief, Policy and Rules Division,  
Office of Engineering and Technology.*

[FR Doc. 01-8841 Filed 4-10-01; 8:45 am]

**BILLING CODE 6712-01-P**



# Notices

Federal Register

Vol. 66, No. 70

Wednesday, April 11, 2001

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

## DEPARTMENT OF AGRICULTURE

### Food and Nutrition Service

#### Agency Information Collection Activities: Proposed Collection; Comment Request; Food Stamp Program—Quality Control

**AGENCY:** Food and Nutrition Service, USDA.

**ACTION:** Notice.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, this notice invites the general public and other public agencies to comment on proposed information collection. This notice is an extension of the currently approved information collection burden for the Quality Control (QC) system which includes the sampling plan and the arbitration and good cause processes. This part of the QC system burden has been approved through June 30, 2001.

**DATES:** Written comments must be submitted on or before June 11, 2001.

**ADDRESSES:** Send comments and requests for copies of this information collection to: Retha Oliver, Chief, Quality Control Branch, Program Accountability Division, Food and Nutrition Service, U.S. Department of Agriculture, 3101 Park Center Drive, Alexandria, VA 22302. You may FAX comments to us at (703) 305-0928 or e-mail at [Retha.Oliver@fns.usda.gov](mailto:Retha.Oliver@fns.usda.gov). You may also download an electronic version of this notice at <http://www.fns.usda.gov/fsp/> and comment via the Internet at the same address. If you do not receive a confirmation from the system that we have received your message, contact us directly at (703) 305-2474.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the

agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

#### FOR FURTHER INFORMATION CONTACT:

Request for additional information or copies of the information collection form and instruction should be directed to Retha Oliver, (703) 305-2474 or e-mail at [Retha.Oliver@fns.usda.gov](mailto:Retha.Oliver@fns.usda.gov).

#### SUPPLEMENTARY INFORMATION:

*Title:* Food Stamp Program Regulations, Part 275—Quality Control. *OMB Number:* 0584-0303.

*Expiration Date:* June 30, 2001.

*Type of Request:* Extension of a currently approved collection of information.

*Abstract:* These burdens are required by Part 275 of the Food Stamp Program regulations on QC. The reporting and recordkeeping burden associated with the Food Stamp Program QC System is approved through June 30, 2001, under OMB No. 0584-0303. The approved burden for the QC system includes the burden for the QC sampling plan and the arbitration and good cause processes. The annual reporting burden associated with the QC sampling plan is 265 hours per year. The annual reporting burdens associated with arbitration and good cause processes are estimated to total 1643 and 1917 respectively. The annual recordkeeping burden associated with the QC sampling plan is 1.25 hours per year. The annual recordkeeping burdens associated with arbitration and good cause processes are estimated to total 3.89 and .28 respectively. The total annual burden for the QC system, as proposed by this notice, is 3830 hours.

The QC system contains procedures for resolving differences in review findings between State agencies and FNS. This is referred to as the arbitration process. The QC system also

contains procedures which provide relief for State agencies from all or a part of a QC liability when a State agency can demonstrate that a part or all of an excessive error rate was due to an unusual event which had an uncontrollable impact on the State agency's payment error rate.

#### Quality Control System Reporting Burden Associated With the Sampling Plan, Arbitration, and Good Cause

##### 1. Sampling Plan

*Affected Public:* State agencies.

*Estimated Number of Respondents:*

53.

*Estimated Number of Responses Per Respondent:* 1.

*Estimated Time Per Response:* 5 hours.

*Estimated Total Annual Burden Hours:* 265.

##### 2. Arbitration Process

*Affected Public:* State agencies.

*Estimated Number of Respondents:*

53.

*Estimated Number of Responses Per Respondent:* 3.1.

*Estimated Time Per Response:* 10 hours.

*Estimated Total Annual Burden Hours:* 1643.

##### 3. Good Cause Process

*Affected Public:* State agencies.

*Estimated Number of Respondents:*

53.

*Estimated Number of Responses:* 0.226.

*Estimated Time Per Response:* 160 hours.

*Estimated Total Annual Burden Hours:* 1917.

#### Quality Control System Recordkeeping Burden Associated With the Sampling Plan, Arbitration, and Good Cause

##### 1. Sampling Plan

*Estimated Number of Recordkeepers:*

53.

*Estimated Number of Records Per Respondent:* 1.

*Estimated Staff Hours Per Recordkeeping:* .0236.

*Estimated Total Annual Burden Hours:* 1.25.

##### 2. Arbitration Process

*Estimated Number of Recordkeepers:*

53.

*Estimated Number of Records Per Respondent:* 3.1.

*Estimated Staff Hours Per Recordkeeping:* .0236.

*Estimated Total Annual Burden Hours:* 3.89.

### 3. Good Cause Process

*Estimated Number of Recordkeepers:* 53.

*Estimated Number of Records:* .226.

*Estimated Staff Hours Per Recordkeeping:* .0236.

*Estimated Total Annual Burden Hours:* .28.

*The Combined Quality Control System Burden (includes the burdens associated with the Sampling Plan, Arbitration and Good Cause):* 3830 hours.

Dated: April 5, 2001.

**George A. Braley,**

*Acting Administrator, Food and Nutrition Service.*

[FR Doc. 01-8901 Filed 4-10-01; 8:45 am]

**BILLING CODE 3410-30-U**

## DEPARTMENT OF AGRICULTURE

### Forest Service

#### Availability of Appealable Decisions

**AGENCY:** Forest Service, USDA.

**ACTION:** Notice—Availability of appealable decisions; legal notice for availability for comment of decisions that may be appealable under 36 CFR part 215.

**SUMMARY:** Responsible Officials in the Southwestern Region will publish notices of availability for comment and notices of decisions that may be subject to administrative appeal under 36 CFR part 215. These notices will be published in the legal notice section of the newspapers listed in the Supplementary Information section of this notice. As provided in 36 CFR 215.5 and 215.9, such notice shall constitute legal evidence that the agency has given timely and constructive notice for comment and notice of decisions that may be subject to administrative appeal. Newspaper publication of notices of decisions is in addition to direct notice to those who have requested notice in writing and to those known to be interested in or affected by a specific decision.

**DATES:** Use of these newspapers for the purpose of publishing legal notices for comment and decisions that may be subject to appeal under 36 CFR part 215 shall begin April 11, 2001 and continue until further notice.

**ADDRESSES:** Southwestern Region, ATTN: Regional Appeals Coordinator,

333 Broadway SE, Albuquerque, NM 87102-3498.

**FOR FURTHER INFORMATION CONTACT:** Christina Gonzalez, 505-842-3219.

#### SUPPLEMENTARY INFORMATION:

Responsible Officials in the Southwestern Region will give legal notice of decisions that may be subject to appeal under 36 CFR part 215 in the following newspapers which are listed by Forest Service administrative unit. Where more than one newspaper is listed for any unit, the first newspaper listed is the primary newspaper which shall be used to constitute legal evidence that the agency has given timely and constructive notice for comment and for decisions that may be subject to administrative appeal. As provided in 36 CFR 215.5, the time frame for appeal shall be based on the date of publication of a notice for decision in the primary newspaper.

Notice by Regional Forester of Availability for Comment and Decisions affecting New Mexico Forests: "Albuquerque Journal", published daily in Albuquerque, Bernalillo County, New Mexico, for comment and decisions affecting National Forest System Lands in the State of New Mexico and for any decisions of Region-wide impact.

Notice by Regional Forester of Availability for Comment and Decisions affecting Arizona Forests: "The Arizona Republic" published daily in Phoenix, Maricopa County, Arizona, for comment and decisions affecting National Forest System lands in the State of Arizona and for any decisions of Region-wide impact.

Notice by Regional Forester of Availability for Comments and Decisions affecting National Grasslands in New Mexico, Oklahoma, and Texas: Kiowa National Grassland in Colfax, Harding, Mora and Union Counties, New Mexico: "Union County Leader", published weekly on Wednesday in Clayton, Union County, New Mexico. Rita Blanca National Grassland in Cimarron County, Oklahoma: "Boise City News", published weekly on Wednesday in Boise City, Cimarron County, Oklahoma. Rita Blanca National Grassland in Dallam County, Texas: "The Dalhart Texan", published on Tuesday and Saturday in Dalhart, Dallam County, Texas. Black Kettle National Grassland in Roger Mills County, Oklahoma: "Cheyenne Star", published weekly on Thursday in Cheyenne, Roger Mills County, Oklahoma. Black Kettle National Grassland in Hemphill County, Texas: "The Canadian Record", published weekly on Thursday in Canadian, Hemphill County, Texas. McClellan

Creek National Grassland in Gray County, Texas: "The Pampa News", published on Friday and Sunday in Pampa, Gray County, Texas.

#### Arizona National Forests

##### Apache-Sitgreaves National Forests

Notice by Forest Supervisor of Availability for Comment and Decisions: "The White Mountain Independent", published Tuesday and Friday in Show Low and Navajo County, Arizona.

Notice by District Ranger of Availability for Comment and Decisions: Alpine District: "The White Mountain Independent", published Tuesday and Friday in Show Low and Navajo County, Arizona. Chevelon District: "The White Mountain Independent", published Tuesday and Friday in Show Low and Navajo County, Arizona. Clifton District: "Copper Era", published weekly on Wednesday in Clifton, Greenlee County, Arizona. Heber District: "The White Mountain Independent", published Tuesday and Friday in Show Low and Navajo County, Arizona. Lakeside District: "The White Mountain Independent", published Tuesday and Friday in Show Low and Navajo County, Arizona. Springerville District: "The White Mountain Independent", published Tuesday and Friday in Show Low and Navajo County, Arizona.

##### Coconino National Forest

Notice by Forest Supervisor of Availability for Comment and Decisions: "Arizona Daily Sun", published daily, in Flagstaff, Coconino County, Arizona.

Notice by District Ranger of Availability for Comment and Decisions: Beaver Creek District: "Arizona Daily Sun", published daily, in Flagstaff, Coconino County, Arizona. Blue Ridge District: "Arizona Daily Sun", published daily, in Flagstaff, Coconino County, Arizona. Peaks District: "Arizona Daily Sun", published daily, in Flagstaff, Coconino County, Arizona. Long Valley District: "Arizona Daily Sun", published daily, in Flagstaff, Coconino County, Arizona. Mormon Lake District: "Arizona Daily Sun", published daily, in Flagstaff, Coconino County, Arizona. Sedona District: "Arizona Daily Sun", published daily, in Flagstaff, Coconino County, Arizona. Sedona District: "Red Rock News", published Wednesday and Friday in Sedona, Coconino County, Arizona.

##### Coronado National Forest

Notice by Forest Supervisor of Availability for Comment and

Decisions: "The Arizona Daily Sun", published daily, in Tucson, Pima County, Arizona.

Notice by District Ranger of Availability for Comment and Decisions: Douglas District: "Daily Dispatch", published Tuesday-Saturday, and Sunday in Douglas, Cochise County, Arizona. Nogales District: "Nogales International", published on Tuesday and Friday in Nogales, Santa Cruz County, Arizona. Sierra Vista District: "Sierra Vista Herald", published Sunday-Friday, in Sierra Vista, Cochise County, Arizona. Safford District: "Eastern Arizona Courier", published weekly on Wednesday, in Safford, Graham County, Arizona. Santa Catalina District: "The Arizona Daily Star", published daily, in Tucson, Pima County, Arizona.

#### *Kaibab National Forest*

Notice by Forest Supervisor of Availability for Comment and Decisions: "Arizona Daily Sun", published daily, in Flagstaff, Coconino County, Arizona.

Notice by District Ranger of Availability for Comment and Decisions: North Kaibab District: "Arizona Daily Sun", published daily, in Flagstaff, Coconino County, Arizona. Tusayan District: "Arizona Daily Sun", published daily, in Flagstaff, Coconino County, Arizona. Williams District: "Arizona Daily Sun", published daily, in Flagstaff, Coconino County, Arizona.

#### *Prescott National Forest*

Notice by Forest Supervisor of Availability for Comment and Decisions: "Prescott Courier", published daily in Prescott, Yavapai County, Arizona.

Notice by District Ranger of Availability for Comment and Decisions: Bradshaw District: "Prescott Courier", published daily in Prescott, Yavapai County, Arizona. Chino Valley District: "Prescott Courier", published daily in Yavapai County, Arizona. Verde District: "Prescott Courier", published daily in Prescott, Yavapai County, Arizona.

#### *Tonto National Forest*

Notice by Forest Supervisor of Availability for Comment and Decisions: "East Valley Tribune" and "Scottsdale Tribune", published daily in Mesa, Maricopa County, Arizona.

Notice by District Ranger of Availability for Comment and Decisions: Cave Creek District: "Scottsdale Tribune", published daily in Mesa, Maricopa County, Arizona. Globe District: "Arizona Silver Belt", published weekly on Wednesday in

Globe, Gila County, Arizona. Mesa District: "East Valley Tribune", published daily in Mesa, Maricopa County, Arizona. Payson District: "Payson Roundup", published biweekly on Tuesday and Friday in Payson, Gila County, Arizona. Pleasant Valley District: "Payson Roundup", published weekly on Tuesday and Friday in Payson, Gila County, Arizona. Tonto Basin District: "Payson Roundup", published biweekly on Tuesday and Friday in Payson, Gila County, Arizona.

#### **New Mexico National Forests**

##### *Carson National Forest*

Notice by Forest Supervisor of Availability for Comment and Decisions: "The Taos News", published weekly on Thursday in Taos, Taos County, New Mexico.

Notice by District Ranger of Availability for Comment and Decisions: Canjilon District: "Rio Grande Sun", published Wednesday in Espanola, Rio Arriba County, New Mexico. El Rito District: "Rio Grande Sun", published Wednesday in Espanola, Rio Arriba County, New Mexico. Jicarilla District: "Farmington Daily Times", published daily in Farmington, San Juan County, New Mexico. Camino Real District: "The Taos News", published weekly on Thursday in Taos, Taos County, New Mexico. Tres Piedras District: "The Taos News", published weekly on Thursday in Taos, Taos County, New Mexico. Questa District: "The Taos News", published weekly on Thursday in Taos, Taos County, New Mexico.

##### *Cibola National Forest*

Notice by Forest Supervisor of Availability for Comment and Decisions affecting lands in New Mexico, except the National Grasslands: "Albuquerque Journal", published daily in Albuquerque, Bernalillo County, New Mexico.

Notice by Forest Supervisor of Availability for Comment and Decisions affecting National Grasslands in New Mexico, Texas and Oklahoma: Kiowa National Grassland in Colfax, Harding, Mora and Union Counties, New Mexico: "Union County Leader", published weekly on Wednesday in Clayton, Union County, New Mexico. Rita Blanca National Grassland in Cimarron County, Oklahoma: "Boise City News", published weekly on Wednesday in Boise City, Cimarron County, Oklahoma. Rita Blanca National Grassland in Dallam County, Texas: "Dalhart Texan", published on Tuesday and Saturday in Dalhart, Dallam County, Texas. Black Kettle National

Grassland, Roger Mills County, Oklahoma: "Cheyenne Star", published weekly on Thursday in Cheyenne, Roger Mills County, Oklahoma. Black Kettle National Grassland, Hemphill County, Texas: "The Canadian Record", published weekly on Thursday in Canadian, Hemphill County, Texas. McClellan Creek National Grassland, Gray County, Texas: "The Pampa News", published on Friday and Sunday in Pampa, Gray County, Texas.

Notice by District Ranger of Availability for Comment and Decisions: Mt. Taylor District: "Cibola County Beacon", published on Wednesday and Friday in Grants, Cibola County, New Mexico. Magdalena District: "Defensor-Chieftain", published Wednesday and Saturday in Socorro, Socorro County, New Mexico. Mountainair District: "Albuquerque Journal", published weekly on Thursday in Albuquerque, Bernalillo County, New Mexico. Sandia District: "Albuquerque Journal", published daily in Albuquerque, Bernalillo County, New Mexico. Kiowa National Grassland: "Union County Leader", published weekly on Wednesday in Clayton, Union County, New Mexico. Rita Blanca National Grassland: "Boise City News", published weekly on Wednesday in Boise City, Cimarron County, Oklahoma. Black Kettle National Grassland: "Cheyenne Star", published weekly on Thursday in Cheyenne, Roger Mills County, Oklahoma. Black Kettle National Grassland: "The Canadian Record", published weekly on Thursday in Canadian, Hemphill County, Texas. McClellan Creek National Grassland: "The Pampa News", published on Friday and Sunday in Pampa, Gray County, Texas.

##### *Gila National Forest*

Notice by Forest Supervisor of Availability for Comment and Decisions: "Silver City Daily Press", published Monday-Saturday in Silver City, Grant County, New Mexico.

Notice by District Ranger of Availability for Comment and Decision: Black Range District: "The Herald", published on Tuesday, in Truth or Consequences, Sierra County, New Mexico. Quemado District: "Silver City Daily Press", published Monday-Saturday in Silver City, Grant County, New Mexico. Reserve District: "Silver City Daily Press", published Monday-Saturday in Silver City, Grant County, New Mexico. Glenwood District: "Silver City Daily Press", published Monday-Saturday in Silver City, Grant County, New Mexico. Silver City District: "Silver City Daily Press", published Monday-Saturday in Silver City, Grant

County, New Mexico. Wilderness District: "Silver City Daily Press", published Monday-Saturday in Silver City, Grant County, New Mexico.

#### *Lincoln National Forest*

Notice by Forest Supervisor of Availability for Comment and Decisions: "Alamogordo Daily News", published daily in Alamogordo, Otero County, New Mexico.

Notice by District Ranger of Availability for Comment and Decisions: Sacramento District: "Alamogordo Daily News", published daily in Alamogordo, Otero County, New Mexico. Guadalupe District: "Carlsbad Current Argus", published daily except Saturday, in Carlsbad, Eddy County, New Mexico. Smokey Bear District: "Ruidoso News", published Monday and Thursday in Ruidoso, Lincoln County, New Mexico.

#### *Santa Fe National Forest*

Notice by Forest Supervisor of Availability for Comment and Decisions: "Albuquerque Journal", published daily in Albuquerque, Bernalillo County, New Mexico.

Notice by District Ranger of Availability for Comment and Decisions: Coyote District: "Albuquerque Journal", published daily in Albuquerque, Bernalillo County, New Mexico. Cuba District: "Albuquerque Journal", published daily in Albuquerque, Bernalillo County, New Mexico. Espanola District: "Albuquerque Journal", published daily in Albuquerque, Bernalillo County, New Mexico. Jemez District: "Albuquerque Journal", published daily in Albuquerque, Bernalillo County, New Mexico. Pecos-Las Vegas District: "Albuquerque Journal", published daily in Albuquerque, Bernalillo County, New Mexico.

Dated: March 5, 2001.

**James T. Gladen,**

*Deputy Regional Forester, Resources.*

[FR Doc. 01-8875 Filed 4-10-01; 8:45 am]

**BILLING CODE 3410-11-M**

## **DEPARTMENT OF AGRICULTURE**

### **Rural Utilities Service**

#### **Information Collection Activity; Comment Request**

**AGENCY:** Rural Utilities Service, USDA.

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended), the

Rural Utilities Service (RUS) invites comments on this information collection for which RUS intends to request approval from the Office of Management and Budget (OMB).

**DATES:** Comments on this notice must be received by June 11, 2001.

**FOR FURTHER INFORMATION CONTACT:** F. Lamont Heppe, Jr., Director, Program Development & Regulatory Analysis, Rural Utilities Service, USDA, 1400 Independence Ave., SW., STOP 1522, Room 4034 South Building, Washington, DC 20250-1522. Telephone: (202) 720-0736. Fax: (202) 720-4120.

**SUPPLEMENTARY INFORMATION:** The Office of Management and Budget's (OMB) regulation (5 CFR 1320) implementing provisions of the Paperwork Reduction Act of 1995 (Pub. L. 104-13) requires that interested members of the public and affected agencies have an opportunity to comment on information collection and recordkeeping activities (see 5 CFR 1320.8(d)). This notice identifies information collection that RUS is submitting to OMB for an extension.

Comments are invited on: (a) Whether this proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Comments may be sent to: F. Lamont Heppe, Jr., Director, Program Development & Regulatory Analysis, Rural Utilities Service, USDA, 1400 Independence Ave., SW., STOP 1522, Washington, DC 20250-1522. Telephone: (202) 720-0736. FAX: (202) 720-4120.

**Title:** Report of Compliance and Participation.

**OMB Control Number:** 0572-0047.

**Type of Request:** Extension of a previously approved information collection with change.

**Abstract:** The Rural Utilities Service (RUS) manages programs in accordance with the Rural Electrification Act (RE Act) of 1936, 7 U.S.C. 901 *et seq.*, as amended, and as prescribed by OMB Circular A-129, Policies for Federal Credit Programs and Non-Tax Receivables.

RUS Form 268 is designed for use by RUS electric and telephone borrowers in

complying with the reporting requirements outlined in RUS Bulletin 1790-1, "Nondiscrimination Among Beneficiaries of RUS Programs." RUS is required to implement regulations of the Department of Justice and USDA and to provide for the collection of civil rights data and information from applicants for and recipients of Federal assistance sufficient to permit effective enforcement of Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975 (ACTs). RUS Form 268 serves as a compliance report and facilitates RUS' responsibilities in enforcing compliance by electric and telephone borrowers with the requirements of the ACTs.

**Respondents:** Small businesses and not-for-profit institutions.

**Estimated Number of Respondents and Recordkeepers:** 1480.

**Estimated Hours Per Respondent and Recordkeepers:** 0.67 hours.

**Estimated Total Annual Burden Hours:** 992 hours.

Requests for copies of this information collection can be obtained from Bob Turner, Program Development and Regulatory Analysis, Rural Utilities Service, at (202) 720-0696. Fax: (202) 720-4120.

All responses to this notice will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Dated: April 5, 2001.

**Blaine D. Stockton,**

*Acting Administrator, Rural Utilities Service.*

[FR Doc. 01-8871 Filed 4-10-01; 8:45 am]

**BILLING CODE 3410-15-P**

## **COMMISSION ON CIVIL RIGHTS**

### **Agenda and Notice of Public Meeting of the Connecticut Advisory**

Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights, that a meeting of the Connecticut Advisory Committee to the Commission will convene at 9:00 a.m. and adjourn 12:00 p.m. on April 18, 2001, at the Omni Hotel, 155 Temple Street, New Haven, Connecticut 06510. The purpose of the meeting is to plan for a follow up forum on civil rights issues in Bridgeport and be briefed by community leaders and Federal officials regarding civil rights developments in Bridgeport since May 2000.

Persons desiring additional information, or planning a presentation to the Committee, should contact Committee Chairperson Dr. Neil Macy,

860-242-7287, or Ki-Taek Chun, Director of the Eastern Regional Office, 202-376-7533 (TDD 202-376-8116). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least ten (10) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, April 6, 2001.

**Edward A. Hailes, Jr.,**  
General Counsel.

[FR Doc. 01-8924 Filed 4-10-01; 8:45 am]

**BILLING CODE 6335-01-P**

## DEPARTMENT OF COMMERCE

### Submission for OMB Review; Comment Request

DOC has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

*Bureau:* International Trade Administration.

*Title:* Request for Duty-Free Entry of Scientific Instruments or Apparatus.

*Agency Form Number:* ITA-338P.

*OMB Number:* 0625-0037.

*Type of Request:* Extension-Regular Submission.

*Burden:* 100 hours.

*Number of Respondents:* 50.

*Avg. Hours Per Response:* 2 hours.

*Needs and Uses:* The Departments of Commerce and Treasury are required to determine whether nonprofit institutions established for scientific or educational purposes are entitled to duty-free entry under the Florence Agreement of certain scientific instruments they import. Form ITA-338P enables (1) Treasury to determine whether the statutory eligibility requirements for the institution and the instrument are fulfilled, and (2) Commerce to make a comparison and finding as to the scientific equivalency of comparable instruments being manufactured in the United States. Without the collection of the information, Treasury and Commerce would not have the necessary information to carry out the responsibilities of determining eligibility for duty-free entry assigned by law.

*Affected Public:* State or local governments; Federal agencies; nonprofit institutions.

*Frequency:* On Occasion.

*Respondent's Obligation:* Required to obtain or retain a benefit, voluntary.

*OMB Desk Officer:* David Rostker, (202) 395-7340.

Copies of the above information collection proposal can be obtained by calling or writing Madeleine Clayton, Departmental Paperwork Clearance Officer, (202) 482-3129, Department of Commerce, Room 6086, 14th and Constitution, NW., Washington, DC 20230; or via the Internet at [Mclayton@doc.gov](mailto:Mclayton@doc.gov).

Written comments and recommendations for the proposed information collection should be sent to David Rostker, OMB Desk Officer, Room 10202, New Executive Office Building, Washington, DC 20503 within 30 days of the publication of this notice in the **Federal Register**.

Dated: April 6, 2001.

**Madeleine Clayton,**

*Departmental Paperwork Clearance Officer,  
Office of the Chief Information Officer.*

[FR Doc. 01-8885 Filed 4-10-01; 8:45 am]

**BILLING CODE 3510-DS-P**

## DEPARTMENT OF COMMERCE

### Submission for OMB Review; Comment Request

DOC has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

*Agency:* U.S. Census Bureau.

*Title:* Feasibility Study for Conducting the American Community Survey in Puerto Rico.

*Form Number(s):* ACS-1(PR).

*Agency Approval Number:* None.

*Type of Request:* New collection.

*Burden:* 6,333 hours.

*Number of Respondents:* 10,000.

*Avg Hours Per Response:* 38 minutes.

*Needs and Uses:* The Census Bureau is developing a methodology to collect and update every year demographic, social, economic, and housing data that is essentially the same as the "long-form" data that the Census Bureau traditionally has collected once a decade as part of the decennial census. Since the Census Bureau collects the long-form data only once every 10 years, the data become out of date over the course of the decade. To provide more timely data, the Census Bureau has been developing an alternative called Continuous Measurement (CM). CM is a re-engineering effort that blends the strength of small area estimation with the high quality of current surveys. CM

will provide current data throughout the decade for small areas and small subpopulations. CM would also provide a mechanism for identifying and sampling these types of groups for future surveys providing a great advantage to the federal statistical system. The American Community Survey is the survey the Census Bureau uses for the CM program. The current plans for CM call for putting the American Community Survey in place with a new sample of households every month in every county in the United States and in Puerto Rico starting in 2003. Collecting these data from a new sample of households every month will not only provide more timely data, but will lessen respondent burden in the decennial census.

In preparation for the American Community Survey in Puerto Rico in 2003, the Census Bureau will conduct a feasibility study to assess the operational implications of using the American Community Survey data collection methods in Puerto Rico. The current design of the American Community Survey relies on three methods of data collection: mailout/mailback, computer-assisted telephone interviewing (CATI), and computer-assisted personal interviewing (CAPI). We will mail the survey to selected sample households in Puerto Rico. We will use CATI to conduct telephone interviews for all households that do not respond by mail and for which we are able to obtain telephone numbers. We will not use CAPI in Puerto Rico during this feasibility study. We will take advantage of personal visit methods used in Puerto Rico during Census 2000. The primary need for the feasibility study is to determine whether the current data collection procedures used stateside are appropriate for use in Puerto Rico.

*Affected Public:* Individuals or households.

*Frequency:* One time.

*Respondent's Obligation:* Mandatory.

*Legal Authority:* Title 13 U.S.C., Section 182.

*OMB Desk Officer:* Susan Schechter, (202) 395-5103.

Copies of the above information collection proposal can be obtained by calling or writing Madeleine Clayton, Departmental Paperwork Clearance Officer, (202) 482-3129, Department of Commerce, room 6086, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at [mclayton@doc.gov](mailto:mclayton@doc.gov)).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this

notice to Susan Schechter, OMB Desk Officer, room 10201, New Executive Office Building, Washington, DC 20503.

Dated: April 6, 2001.

**Madeleine Clayton,**

*Departmental Paperwork Clearance Officer,  
Office of the Chief Information Officer.*

[FR Doc. 01-8922 Filed 4-10-01; 8:45 am]

BILLING CODE 3510-07-P

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-580-809]

#### Circular Welded Non-Alloy Steel Pipe from the Republic of Korea; Final Results of Antidumping Administrative Review

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

**ACTION:** Notice of final results of antidumping duty administrative review of circular welded non-alloy steel pipe from the Republic of Korea.

**SUMMARY:** The Department of Commerce has conducted an administrative review of the antidumping duty order on circular welded non-alloy steel pipe from the Republic of Korea. This review covers imports of subject merchandise from three producers/exporters. We have determined that sales have been made below normal value during the review period of November 1, 1998, through October 31, 1999.

Based on our review of comments received, we have made certain changes in the margin calculation for all of the reviewed companies. Consequently, the final results differ from the preliminary results. The final weighted-average dumping margins for these firms are listed below in the section entitled "Final Results of the Review." Based on these final results of review, we will instruct the Customs Service to assess antidumping duties based on the difference between the export price and normal value on all appropriate entries.

**EFFECTIVE DATE:** April 11, 2001.

**FOR FURTHER INFORMATION CONTACT:** Gregory Campbell or Suresh Maniam, Import Administration, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 482-2239 or 482-0176, respectively.

#### SUPPLEMENTARY INFORMATION:

##### The Applicable Statute

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the "Act"), are references to

the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act ("URAA"). In addition, unless otherwise indicated, all citations to the Department of Commerce's ("Department's") regulations are to 19 CFR Part 351 (2000).

#### Background

The period of review ("POR") is November 1, 1998, through October 31, 1999. This review covers the following exporters (referred to collectively as "the respondents"): Hyundai Pipe Co., Ltd. ("HDP"),<sup>1</sup> SeAH Steel Corporation ("SeAH") and Shinho Steel Co., Ltd. ("Shinho").

On December 6, 2000, the Department published *Circular Welded Non-Alloy Steel Pipe from the Republic of Korea; Preliminary Results and Rescission in Part of Antidumping Administrative Review*, 65 FR 73218 (December 6, 2000) ("Preliminary Results"), and invited parties to comment on our *Preliminary Results*. The domestic interested parties, Allied Tube and Conduit Corp. and Wheatland Tube Co., and the respondents submitted case briefs on January 19, 2001, and rebuttal briefs on January 26, 2001. At the request of certain interested parties, we held a public hearing on March 1, 2001.

The Department has conducted this administrative review in accordance with section 751 of the Act.

#### Scope of Review

The merchandise subject to this review is circular welded non-alloy steel pipe and tube, of circular cross-section, not more than 406.4mm (16 inches) in outside diameter, regardless of wall thickness, surface finish (black, galvanized, or painted), or end finish (plain end, beveled end, threaded, or threaded and coupled). These pipes and tubes are generally known as standard pipes and tubes, and are intended for the low-pressure conveyance of water, steam, natural gas, air, and other liquids and gases in plumbing and heating systems, air-conditioning units, automatic sprinkler systems, and other

related uses. Standard pipe may also be used for light load-bearing applications, such as for fence tubing, and as structural pipe tubing used for framing and as support members for reconstruction or load-bearing purposes in the construction, shipbuilding, trucking, farm equipment, and other related industries. Unfinished conduit pipe is also included in this order.

All carbon-steel pipes and tubes within the physical description outlined above are included within the scope of this review except line pipe, oil-country tubular goods, boiler tubing, mechanical tubing, pipe and tube hollows for redraws, finished scaffolding, and finished conduit. In accordance with the Department's *Final Negative Determination of Scope Inquiry on Certain Circular Welded Non-Alloy Steel Pipe and Tube from Brazil, the Republic of Korea, Mexico, and Venezuela* (61 FR 11608, March 21, 1996), pipe certified to the API 5L line-pipe specification and pipe certified to both the API 5L line-pipe specifications and the less-stringent ASTM A-53 standard-pipe specifications, which falls within the physical parameters as outlined above, and entered as line pipe of a kind used for oil and gas pipelines is outside of the scope of the antidumping duty order.

Imports of these products are currently classifiable under the following Harmonized Tariff Schedule of the United States (HTSUS) subheadings: 7306.30.10.00, 7306.30.50.25, 7306.30.50.32, 7306.30.50.40, 7306.30.50.55, 7306.30.50.85, and 7306.30.50.90. Although the HTSUS subheadings are provided for convenience and customs, the written description of the scope of this proceeding is dispositive.

#### Product Comparisons

We compared the products sold by the respondents in the comparison market to sales that entered the United States during the POR using the methodology described in the *Preliminary Results*, with the following exception:

At the *Preliminary Results*, we included specification as a matching criterion for determining similar products for Shinho and SeAH. Consistent with our methodology in prior reviews, and in light of the lack of evidence that specification captures important differences in physical characteristics not reflected in other matching criteria, we have revised Shinho's and SeAH's margin calculations by removing specification as one of the matching criteria for similar matches. We note that HDP's

<sup>1</sup> In a letter dated January 5, 2001, HDP informed the Department that its corporate name would change to Hyundai Steel Company effective February 1, 2001. On February 27, 2001, the Department initiated a changed circumstances review to determine whether entries naming "Hyundai Hysco" as manufacturer or exporter should receive the cash deposit rate currently applied to HDP. *Certain Circular Welded Non-Alloy Steel Pipe from the Republic of Korea; Initiation of Changed Circumstances Antidumping Duty Administrative Review*, 66 FR 12460 (February 27, 2001). Pending a final determination in that changed circumstances review, we will continue to refer to the respondent in the instant review as HDP.

preliminary margin calculation did not include specification as a criterion in determining similar matches and, therefore, we have made no changes to HDP's program in this regard. See Comment 1 of the accompanying *Memorandum to Bernard T. Carreau, from Richard W. Moreland*, "Issues and Decision Memo" (April 5, 2001) ("Decision Memo").

Furthermore, with respect to HDP, for the final results we have re-coded the end-finish matching criterion. See Comment 8 of the accompanying *Decision Memorandum*.

#### Fair Value Comparisons

To determine whether sales of standard pipe from the ROK were made in the United States at less than fair value, we compared the export price ("EP") or constructed export price ("CEP") to normal value ("NV"), as described in the "Export Price and Constructed Export Price" and "Normal Value" sections below. Our calculations followed the methodologies described in the *Preliminary Results* with the following exception:

For the final results we have expanded our window for potential contemporaneous home market sales to include all home market sales that were made within the period three months prior to the sale date of the earliest reported U.S. sale through two months subsequent to the sale date of the last reported U.S. sale. See Comment 3 of the accompanying *Decision Memorandum*.

#### Export Price and Constructed Export Price

For sales to the United States, we used, as appropriate, EP or CEP in accordance with sections 772(a) and 772(b) of the Act determined by the methodology described in the *Preliminary Results*, with the following exception: we reviewed sales of merchandise entered during the POR rather than POR sales. See Comment 2 of the *Decision Memorandum*.

#### Normal Value

##### A. Selection of Comparison Markets

HDP and SeAH reported sales in the home market of "overrun" merchandise (i.e., sales of pipe that exceeded the amount ordered by customers due to overproduction). HDP and SeAH claimed that we should disregard "overrun" sales in the home market because these sales are outside the ordinary course of trade. Based on our analysis of these sales, we found overrun sales to be outside the ordinary course of trade. See Comment 5 of the accompanying *Decision Memorandum*.

##### B. Arm's-Length Test

Since the *Preliminary Results*, the Department revised the arm's-length test for sales to SeAH's affiliate, Haiduk Steel Industrial Co., Ltd. Specifically, we collapsed nine distinct customer codes into one customer code for purposes of the arm's-length test. We consider these nine customer codes to represent a single customer, HSI, for purposes of the arm's-length test. We have made the appropriate changes in the margin calculations for SeAH. See Comment 12 of the accompanying *Decision Memorandum*.

Additionally, we stated in the *Preliminary Results* that we intended to perform an arm's-length test for HDP's home market sales. This test was inadvertently omitted from the calculation program. For the final results we have corrected the calculation program accordingly.

##### C. Cost of Production Analysis

We used the same methodology in performing the COP analysis as in the *Preliminary Results* with the following exceptions:

We have added packing expenses to the reported COM for SeAH and Shinho, and recalculated G & A and interest expenses. See Comment 4 of the accompanying *Decision Memorandum*.

We disallowed certain non-production-related income offsets to Shinho's G & A costs. Moreover, because we disallowed these income items, we also excluded the corresponding expenses. See Comment 11 of the accompanying *Decision Memorandum*.

##### D. Level of Trade (LOT)

Section 773(a)(1)(B)(i) of the Act states that, to the extent practicable, the Department will calculate NV based on sales at the same LOT as the EP or CEP. When the Department is unable to find sales of the foreign like product in the comparison market at the same LOT as the EP or CEP, the Department may compare the U.S. sale to sales at a different LOT in the comparison market.

Sales are made at different levels of trade if they are made at different marketing stages (or their equivalent). 19 CFR 412(c)(2). Substantial differences in selling activities are a necessary, but not sufficient, condition for determining that there is a difference in the stages of marketing. *Id.*; see also *Notice of Final Determination of Sales at Less Than Fair Value: Certain Cut-to-Length Carbon Steel Plate From South Africa*, 62 FR 61731, 61732 (November 19, 1997). Pursuant to section 773(a)(1)(B)(i) of the Act, in identifying

levels of trade for EP and home market sales, we consider the selling functions reflected in the starting prices before any adjustments. For CEP sales, we consider only the selling activities reflected in the price after the deduction of expenses and profit under section 772(d) of the Act. See *Micron Technology, Inc. v. United States*, Court Nos. 00-1058, -1060 (Fed. Cir. March 7, 2001). We expect that, if claimed levels of trade are the same, the functions and activities of the seller should be similar. Conversely, if a party claims that levels of trade are different for different groups of sales, the functions and activities of the seller should be dissimilar.

When CEP sales have been made in the United States, section 773(a)(7)(B) of the Act and 19 CFR 351.412(f) allow for a CEP offset under two conditions: (1) NV is established at a LOT that is at a more advanced stage of distribution than the LOT of the CEP; and (2) the data available do not permit a determination that there is a pattern of consistent price differences between sales at different LOTs in the comparison market.

We obtained information from each respondent regarding the marketing stages involved in making the reported home market and U.S. sales, including a description of the selling activities performed by the respondents for each channel of distribution. For a detailed description of our LOT methodology and a summary of company-specific LOT findings for these final results, see *Memorandum to Susan Kuhnback*, "Final LOT Memorandum for SeAH Steel Corp. and Shinho Steel Co., Ltd." (April 5, 2001).

#### Analysis of Comments Received

All issues raised in the case and rebuttal briefs by parties to this administrative review are addressed in the *Decision Memo*, which is hereby adopted by this notice. A list of the issues which parties have raised and to which we have responded, all of which are in the *Decision Memo*, is attached to this notice as an appendix. Parties can find a complete discussion of all issues raised in this review and the corresponding recommendations in this public memorandum, which is on file in the Central Records Unit, room B-099 of the main Department building. In addition, a complete version of the *Decision Memo* can be accessed directly on the Web at <http://ia.ita.doc.gov>. The paper copy and electronic version of the *Decision Memo* are identical in content.

#### Final Results of Review

We determine that the following dumping margins exist for the period



November 1, 1998, through October 31, 1999:

Manufacturer/Exporter	Margin (percent)
Shinho .....	2.89
SeAH .....	0.96
HDP .....	2.83

#### Assessment Rates

Pursuant to 19 CFR 351.212(b), the Department calculates an assessment rate for each importer of the subject merchandise. Because certain importer-specific assessment rates calculated in these final results are above *de minimis* (i.e., at or above 0.5 percent), the Department will issue appraisal instructions directly to the Customs Service to assess antidumping duties on appropriate entries by applying the assessment rate to the entered value of the merchandise. For assessment purposes, we calculate importer-specific assessment rates for the subject merchandise by aggregating the dumping duties due for all U.S. sales to each importer and dividing the amount by the total entered value of the sales to that importer.

#### Cash Deposit Rates

To calculate the cash-deposit rate for each producer and/or exporter included in this administrative review, we divided the total dumping margins for each company by the total net value for that company's sales.

The following deposit requirements will be required on all shipments of standard pipe from Korea entered, or withdrawn from warehouse, for consumption, effective on or after the publication date of the final results of this administrative review, as provided by section 751(a)(1) of the Act: (1) The cash deposit rate for the reviewed companies will be the rates indicated above, except if the rate is less than 0.5 percent and, therefore, *de minimis*, the cash deposit will be zero; (2) for merchandise exported by manufacturers or exporters not covered in this review but covered in the original less-than-fair-value investigation or a previous review, the cash deposit will continue to be the most recent rate published in the final determination or final results for which the manufacturer or exporter received an individual rate; (3) if the exporter is not a firm covered in this review, the previous review, or the original investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) if neither the exporter nor the manufacturer is a firm

covered in this or any previous reviews, the cash deposit rate will be 4.80 percent, the "all others" rate established in the less-than-fair-value investigation. *See Notice of Antidumping Orders: Certain Circular Welded Non-Alloy Steel Pipe from Brazil, the Republic of Korea (Korea), Mexico, and Venezuela, and Amendment to Final Determination of Sales at Less Than Fair Value: Certain Circular Welded Non-Alloy Steel Pipe from Korea*, 57 FR 49453 (November 2, 1992).

These cash deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

#### Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping duties.

#### Notification Regarding APOs

This notice also serves as a reminder to parties subject to administrative protective orders ("APOs") of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305, which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

We are issuing and publishing this determination and notice in accordance with sections 751(a)(1) and 777(i) of the Act.

Dated: April 5, 2001.

**Timothy J. Hauser,**

*Acting Under Secretary for International Trade.*

#### Appendix—List of Comments and Issues in the Decision Memorandum

##### A. General Issues

- Comment 1: Inclusion of Specification in Matching Criteria
- Comment 2: Exclusion of Certain Sales Entered During POR
- Comment 3: Exclusion of Certain Sales in Contemporaneous Window
- Comment 4: G & A and Interest Ratios

##### B. HDP Specific Issues

- Comment 5: HDP's Overrun Sales
- Comment 6: Application of the Arm's-length Test to HDP's Home Market Sales
- Comment 7: Calculation of HDP's Interest Expense Ratio
- Comment 8: Product Matching Codes for End Finish
- Comment 9: Separate Analysis of Products Produced by HDP and Those Further Manufactured by HDP

##### C. SeAH & Shinho Specific Issues

- Comment 10: Bad Debt Expenses
- Comment 11: Non-Operating Related Income Offsetting G & A Expenses
- Comment 12: Arm's-Length Test Should be Rerun for Certain of SeAH's Sales
- Comment 13: CEP Offset for Shinho and SeAH

[FR Doc. 01-8934 Filed 4-10-01; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-412-803]

#### Preliminary Results of Antidumping Duty Administrative Review; Industrial Nitrocellulose From the United Kingdom

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

**ACTION:** Notice of preliminary results of antidumping duty administrative review.

**EFFECTIVE DATE:** April 11, 2001.

**SUMMARY:** The Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on industrial nitrocellulose (INC) from the United Kingdom in response to requests by the respondent Imperial Chemical Industries PLC and its affiliates Nobel Enterprises, a business unit of Nobel's Explosives Company, Ltd. (Nobel's) and ICI Americas Inc. (ICIA), (collectively ICI). This review covers sales of this merchandise made by one manufacturer/exporter of the subject merchandise, ICI, to the United States during the period July 1, 1999, through June 30, 2000.

We have preliminarily determined the dumping margin for ICI to be 3.52%. If these preliminary results are adopted in our final results of administrative review, we will instruct the United States Customs Service (Customs) to assess antidumping duties, as appropriate.

We invite interested parties to comment on these preliminary results. Parties who submit arguments are



requested to submit with the argument (1) a statement of the issue and (2) a brief summary of the argument.

**FOR FURTHER INFORMATION CONTACT:** John Conniff or Michele Mire, AD/CVD Enforcement, Office 4, Group II, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482-1009 or (202) 482-4711, respectively.

*The Applicable Statute and Regulations:* Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Act), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department's regulations are to the regulations at 19 CFR Part 351 (2000).

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

The Department published in the **Federal Register** the antidumping duty order on INC from the United Kingdom on July 10, 1990 (55 FR 28270). On July 20, 2000, we published in the **Federal Register** (65 FR 45083), a notice of "Opportunity to Request an Administrative Review" of this order covering the period July 1, 1999, through June 30, 2000, hereafter referred to as the POR.

In accordance with 19 CFR 351.213(b), the respondent requested that we conduct an administrative review for the aforementioned period. The Department is now conducting this administrative review pursuant to section 751 of the Act.

##### **Scope of Review**

Imports covered by this review are shipments of INC from the United Kingdom. INC is a dry, white amorphous synthetic chemical with a nitrogen content between 10.8 and 12.2 percent, and is produced from the reaction of cellulose with nitric acid. INC is used as a film-former in coatings, lacquers, furniture finishes, and printing inks. The scope of this order does not include explosive grade nitrocellulose, which has a nitrogen content of greater than 12.2 percent.

INC is currently classified under Harmonized Tariff System (HTS) subheading 3912.20.00. While the HTS item number is provided for convenience and Customs purposes, the written description remains dispositive as to the scope of the product coverage.

##### **Product Comparisons**

To determine whether sales of INC from the United Kingdom to the United States were made at less than NV, we compared the CEP to the NV, as described in the *Constructed Export Price* and *Normal Value* sections of this notice. When making product comparisons in accordance with section 771(16) of the Act, we considered all products as covered by the *Scope of Review* section of this notice, above, that were sold by the respondent in the home market in the ordinary course of trade during the POR for purposes of determining appropriate product comparisons to U.S. sales. Where there were no sales of identical or similar merchandise in the home market to compare to U.S. sales, we compared U.S. sales to the constructed value (CV) of the product sold in the home market during the comparison period.

##### **Constructed Export Price**

For the price to the United States, we used CEP, as defined in sections 772(b),(c) and (d) of the Act, because all sales to the first unaffiliated purchaser in the United States took place after importation. We calculated CEP based on packed, factory prices to unaffiliated customers in the United States. We made deductions from the starting price, where appropriate, for rebates, international freight, marine insurance, U.S. brokerage and handling, U.S. inland freight, U.S. duties, and direct and indirect selling expenses to the extent that they were associated with economic activity occurring in the United States. These included credit expenses and commissions as applicable, in accordance with sections 772(c)(2) and 772(d)(1) of the Act. Finally, we made an adjustment for CEP profit in accordance with sections 772(d)(3) and 772(f) of the Act.

##### **Normal Value**

In order to determine whether there was a sufficient volume of sales in the home market to serve as a viable basis for calculating NV, we compared the respondent's volume of home market sales of the foreign like product to the volume of its U.S. sales of the subject merchandise. Pursuant to sections 773(a)(1)(B) and (C) of the Act, because ICI's aggregate volume of home market sales of the foreign like product was greater than five percent of its aggregate volume of U.S. sales for the subject merchandise, we determined that sales in the home market provide a viable basis for calculating NV.

##### **Cost of Production (COP) Analysis**

We initiated a below cost investigation on January 26, 2001, in response to a below cost allegation from the petitioner filed on November 27, 2000. The petitioner's COP allegation was company-specific, employed a reasonable methodology, made use of ICI's data on the record, provided evidence of below cost sales, and covered merchandise which is representative of the broader range of INC products sold by ICI in the United Kingdom. Therefore, we determined that petitioner's COP allegation provided a reasonable basis to initiate a COP investigation. See January 26, 2001 memorandum *Analysis of Petitioner's Allegation of Sales Below the Cost of Production for Imperial Chemical Industries PLC and its affiliates* from the Team to Thomas Futtner.

##### **Calculation of COP**

In accordance with section 773(b)(3) of the Act, we calculated the weighted-average COP, by model, based on the sum of the cost of materials and fabrication employed in producing the foreign like product, plus amounts for home market selling, general and administrative (SG&A) expenses and packing costs in accordance with section 773(b)(3) of the Act. We used the home market sales data and COP information provided by ICI in its questionnaire responses.

###### *1. Test of Home Market Prices*

After calculating a weighted-average COP, we tested whether home market sales of INC were made at prices below COP within an extended period of time in substantial quantities, and whether such prices permitted recovery of all costs within a reasonable period of time. We compared model-specific COP's to the reported home market prices less any applicable movement charges, discounts, and indirect selling expenses.

###### *2. Affiliated-Party Transactions and Arm's-Length Test*

During the POR, ICI sold INC to one affiliated customer; therefore, we conducted an arm's-length test. To test whether these sales were made at arm's-length prices, we compared on a model-specific basis the starting prices of sales to affiliated and unaffiliated customers net of all discounts and rebates, movement charges, direct selling expenses, commissions, and home market packing. Where, for the tested models of subject merchandise, prices to the affiliated party were on average 99.5 percent or more of the price to the unaffiliated parties, we determined that sales made to the affiliated party were

at arm's-length. See 19 CFR 351.403(c) and 62 FR at 27355, *Preamble—Department's Final Antidumping Regulations* (May 19, 1997). The sales to ICI's affiliated customer did not pass the arm's-length test and thus we did not use them in our calculation of NV.

### 3. Results of COP Test

Pursuant to section 773(b)(2)(C), where less than 20 percent of ICI's sales of a given model were at prices less than COP, we did not disregard any below-cost sales of that product because we determined that the below-cost sales were not made in "substantial quantities." In accordance with section 773(b)(2)(B) and (D) where 20 percent or more of home market sales of a given product during the POR were at prices less than the COP, we found that such sales were made in substantial quantities within an extended period of time. Because the sales prices would not permit recovery of all costs within a reasonable period of time, we disregarded those below-cost sales and used the remaining sales to determine NV in accordance with section 773(b)(1). For those models of INC for which there were no home market sales available for matching purposes, we compared CEP to CV.

### Comparisons to NV Based on Price

We calculated NV based on packed, ex-factory or delivered prices to unaffiliated purchasers in the home market. We made adjustments for discounts. Where applicable, we deducted home market packing costs and added U.S. packing costs. In accordance with section 773(a)(6) of the Act, where applicable, we made deductions from the starting price for inland freight and inland insurance. In addition, we made a circumstance of sale adjustment for imputed credit expenses, in accordance with section 773(a)(6)(C)(iii) of the Act. Prices were reported net of value added taxes (VAT) and, therefore, no deduction for VAT was necessary. We made adjustments, where appropriate, for physical differences in merchandise in accordance with section 773(a)(6)(C)(ii) of the Act. We based this adjustment on the difference in the variable costs of manufacturing for the foreign like product and the subject merchandise.

We derived the CEP offset amount from the amount of the indirect selling expenses incurred on sales in the home market. See *Level of Trade* section of this notice. We limited the home market indirect selling expense deduction by the amount of the indirect selling expenses deducted from CEP, pursuant to section 772(d) of the Act.

### Constructed Value

In accordance with section 773(e) of the Act, we calculated CV based on the sum of ICI's cost of materials and fabrication employed in producing the subject merchandise, selling, SG&A and profit incurred and realized in connection with the production and sale of the foreign like product, and U.S. packing costs. In accordance with section 773(e)(2)(A), we based SG&A and profit on the amounts incurred and realized by ICI in connection with the production and sale of the foreign like product in the ordinary course of trade, for consumption in the foreign country.

We used the costs of materials, fabrication, and SG&A as reported in the CV portion of ICI's questionnaire response. We used the U.S. packing costs as reported in the U.S. sales portion of ICI's questionnaire response. We based selling expenses and profit on the information reported in the home market sales portion of ICI's questionnaire response. See *Certain Pasta from Italy; Notice of Preliminary Determination of Sales at Less Than Fair Value and Postponement of Final Determination*, 61 FR 1344, 1349 (January 19, 1996). For selling expenses, we used the average of the home market selling expenses weighted by the respective quantities sold. For actual profit, we first calculated the difference between the home market sales value and home market COP for all home market sales in the ordinary course of trade, and divided the sum of these differences by the total home market COP for these sales. We then multiplied this percentage by the COP for each U.S. model to derive the profit amount. Finally, the CEP offset was derived in the same manner described in the *Normal Value* section of this notice.

### Level of Trade

In accordance with section 773(a)(1)(B) of the Act, to the extent practicable, we determine NV based on sales in the comparison market at the same level of trade (LOT) as the EP or CEP transactions. The NV LOT is that of the starting-price sales in the comparison market or, when NV is based on constructed value (CV), that of the sales from which we derive SG&A expenses and profit. For EP, the U.S. LOT is also the level of the starting-price sale, which is usually from the exporter to the importer. For CEP, it is the level of the constructed sale from the exporter to the importer.<sup>1</sup> See *Notice*

*of Final Determination of Sales at Less Than Fair Value: Certain Cut-to-Length Steel Plate from South Africa*, 62 FR 61731 (November 19, 1997) (*Carbon Steel Plate*).

To evaluate the LOT, we examined information regarding the distribution systems in both the U.S. and U.K. markets, including the selling functions, classes of customer, and selling expenses for the respondent. Customer categories such as distributors, retailers, or end-users are commonly used by petitioners and respondents to describe different LOTs, but, without substantiation, they are insufficient to establish that a claimed LOT is valid. An analysis of the chain of distribution and the selling functions substantiates or invalidates the claimed LOTs.

Our analysis of the marketing process in both the home market and the United States begins with goods being sold by the producer and extends to the sale to the final user. The chain of distribution between the producer and the final user may have many or few links, and each respondent's sales occur somewhere along this chain. We review and compare the distribution systems in the home market and the United States, including selling functions, class of customer, and the extent and level of selling expenses for each claimed LOT.

Unless we find that there are different selling functions for sales to the U.S. and home market sales, we will not determine that there are different LOTs. Different LOTs necessarily involve differences in selling functions, but differences in selling functions, even substantial ones, are not sufficient alone to establish a difference in the LOTs. Differences in LOTs are characterized by purchasers at different stages in the chain of distribution and sellers performing qualitatively or quantitatively different functions in selling to them. If the comparison-market sale is at a different LOT, and the difference affects price comparability, as manifested in a

the Act. See *Borden, Inc. v. United States*, 4 F.Supp.2d 1221 (1998) (*Borden*); and *Micron Technology, Inc. v. United States*, 40 F.Supp.2d 481 (1999) (*Micron*). The U.S. Court of Appeals for the Federal Circuit, however, has reversed the Court of International Trade's holdings in both *Micron* and *Borden* on the level of trade issue. The Federal Circuit held that the statute unambiguously requires Commerce to deduct the selling expenses set forth in section 772(d) from the CEP starting price prior to performing its LOT analysis. See *Micron Technology, Inc. v. United States*, Court Nos. 00-1058, -1060 (Fed. Cir. March 7, 2001); see also *Borden, Inc. v. United States*, Court Nos. 99-1575, -1576 (Fed. Cir. March 12, 2001) (unpublished opinion). Consequently, the Department will continue to adjust the CEP, pursuant to section 772(d), prior to performing the LOT analysis, as articulated by the Department's regulations at § 351.412.

<sup>1</sup> The Court of International Trade has held that the Department's practice of determining levels of trade for CEP transactions after CEP deductions is an impermissible interpretation of section 772(d) of

pattern of consistent price differences between the sales on which NV is based and comparison-market sales at the LOT of the export transaction, we make a LOT adjustment under section 773(a)(7)(A) of the Act. Finally, for CEP sales, if the NV level is more remote from the factory than the CEP level and there is no basis for determining whether the difference in the levels between NV and CEP affects price comparability, we adjust NV under section 773(a)(7)(B) of the Act (the CEP offset provision). *See Carbon Steel Plate*, 62 FR at 61732, 61733.

ICI did not claim a LOT adjustment. Nevertheless, we evaluated whether a LOT adjustment was necessary by examining ICI's distribution system, including selling functions, classes of customers, and selling expenses. In reviewing ICI's home market distribution channels, we found that the POR sales of the merchandise under review were made at only one LOT in the home market. With respect to U.S. sales, after making deductions to the CEP sales pursuant to section 772(d) of the Act, we found the selling activities performed by ICI for the CEP sales to its affiliate were limited to order processing and arranging transportation. Therefore, we found that the selling functions performed for the NV LOT (*i.e.*, sales solicitation, price negotiation, customer visits, advertising, technical support, invoicing, and billing adjustment) were different and more advanced than the selling functions performed for the US LOT. We, therefore, evaluated whether we could determine if the difference in LOT affected price comparability. The effect on price comparability must be demonstrated by a pattern of consistent price differences between sales at the two relevant LOTs in the comparison market. Because there was only one home market LOT, we were unable to determine whether there was a pattern of consistent price differences based on home market sales of subject merchandise, and, therefore, were unable to quantify a LOT adjustment based on a pattern of consistent price differences, in accordance with section 773(a)(7)(B) of the Act. Therefore, we have preliminarily determined to grant a CEP offset to ICI. *See Memorandum Regarding Industrial Nitrocellulose from the United Kingdom-Level of Trade Analysis-Imperial Chemical Industries, PLC*, dated March 15, 2001.

#### Currency Conversion

For purposes of the preliminary results, we made currency conversions in accordance with section 773A of the Act, based on the exchange rates in effect on the dates of the U.S. sales as

certified by the Federal Reserve Bank of New York. *See Change in Policy Regarding Currency Conversions*, 61 FR 9434 (March 8, 1996).

#### Preliminary Results of the Review

As a result of this review, we preliminarily determine that the following weighted-average dumping margin exists:

Exporter/Manufacturer	Weighted average margin
Imperial Chemical Industries PLC .....	3.52%

We will disclose the calculations used in our analysis to parties to this proceeding within five days of the publication date of this notice. *See* 19 CFR 351.224(b). Any interested party may request a hearing within 30 days of the date of publication of this notice. *See* 19 CFR 351.310(c). Any hearing, if requested, will be held 44 days after the date of publication, or the first workday thereafter. Interested parties may submit case briefs within 30 days of the date of publication of this notice. Parties who submit case briefs in this proceeding should provide a summary of the arguments not to exceed five pages and a table of statutes, regulations, and cases cited. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than 37 days after the date of publication. Further, we would appreciate it if parties submitting written comments would provide the Department with an additional copy of the public version of any such comments on diskette. The Department will publish a notice of the final results of this administrative review, which will include the results of its analysis of issues raised in any such written comments or at the hearing, within 120 days from the publication of these preliminary results.

#### Assessment Rate

Pursuant to 19 CFR 351.212(b), the Department shall determine, and the United States Customs Service shall assess, antidumping duties on all appropriate entries. In accordance with 19 CFR 351.212(b)(1), we have calculated an importer-specific assessment rate by aggregating the dumping margins calculated for all U.S. sales and dividing this amount by the estimated entered value (provided by respondent) of the same merchandise on an importer-specific basis. Upon completion of this review, where the importer-specific assessment rate is above *de minimis*, the Department will instruct the U.S. Customs Service to

assess antidumping duties on all entries of subject merchandise by that importer during the POR.

#### Cash Deposit Requirements

This notice serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This determination is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act. Effective January 20, 2001, Bernard T. Carreau is fulfilling the duties of the Assistant Secretary for Import Administration.

Dated: April 2, 2001.

**Bernard T. Carreau,**

*Deputy Assistant Secretary, Import Administration.*

[FR Doc. 01-8936 Filed 4-10-01; 8:45 am]

BILLING CODE 3510-DS-P

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A-560-811; A-455-803; A-823-809]

#### Notice of Final Determinations of Sales at Less Than Fair Value: Steel Concrete Reinforcing Bars from Indonesia, Poland and Ukraine

**AGENCY:** Import Administration, International Trade Administration, Department of Commerce.

**EFFECTIVE DATE:** April 11, 2001.

**FOR FURTHER INFORMATION CONTACT:** Maisha Cryor at (202) 482-5831 (for Indonesia), Valerie Ellis at (202) 482-2336 (for Poland), or Keir Whitson at (202) 482-1777 (for Ukraine), AD/CVD Enforcement, Group II, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

#### SUPPLEMENTARY INFORMATION:

##### The Applicable Statute

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Act), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations

to the Department's regulations are to 19 CFR part 351 (2000).

### Background

On January 30, 2001, the Department published the preliminary determinations of the antidumping investigations of rebar from Indonesia, Poland and Ukraine. *See Notice of Preliminary Determinations of Sales at Less Than Fair Value: Steel Concrete Reinforcing Bars from Poland, Indonesia and Ukraine*, 66 FR 8343 (January 30, 2001) (*Preliminary Determinations*). We gave interested parties an opportunity to comment on our preliminary determinations. On March 6, 2001, the petitioner filed a case brief in the investigation involving Ukraine. No rebuttal brief was submitted on behalf of Ukraine, nor were case briefs or rebuttal briefs filed in cases involving Indonesia and Poland. The Department received no requests for a public hearing in any of the three cases.

Section 734(m) of the Act states that in the case of regional industry investigations, the administering authority shall offer exporters the opportunity to enter into suspension agreements. Proposed and finalized agreements in these cases must comport with the requirements set forth under section 734 of the Act for the suspension of antidumping duty investigations. All exporters participating in the instant investigations were aware of their opportunity to propose suspension agreements. However, the Department did not accept any suspension agreements in these proceedings. *See Memorandum from Holly A. Kuga to The File*, dated April 2, 2001.

The Department has conducted these investigations in accordance with section 751 of the Act.

### Scope of Investigations

For purposes of these investigations, the product covered is all steel concrete reinforcing bars (rebar) sold in straight lengths, currently classifiable in the Harmonized Tariff Schedule of the United States (HTSUS) under item number 7214.20.00 or any other tariff item number. Specifically excluded are plain rounds (*i.e.*, non-deformed or smooth bars) and rebar that has been further processed through bending or coating. HTSUS subheadings are provided for convenience and Customs purposes. The written description of the scope of this proceeding is dispositive.

### Analysis of Comments Received

The only issue raised by any party involved the Ukraine investigation and is addressed in the "Issues and Decision

Memorandum" (*Decision Memorandum*), dated April 2, 2001, which is hereby adopted by this notice. A list of the issues which parties have raised and to which we have responded, all of which are in the *Decision Memorandum*, is attached to this notice as an Appendix. Parties can find a complete discussion of the issue raised in these investigations and the corresponding recommendations in this public memorandum which is on file in the Central Records Unit, room B-099 ("B-099") of the main Department building. In addition, a complete version of the *Decision Memorandum* can be accessed directly on the Web at <http://ia.ita.doc.gov>. The paper copy and electronic version of the *Decision Memorandum* are identical in content.

### Use of Facts Available

In the preliminary determinations of these investigations, the Department preliminarily determined that the application of total adverse facts available was appropriate with respect to each mandatory respondent from Indonesia, Poland, and Ukraine. Specifically, the Department assigned to the mandatory respondents from Indonesia, Poland and Ukraine the highest margins alleged in the amendments to the respective petitions. The interested parties did not object to the use of adverse facts available for the mandatory respondents in the investigations from Indonesia and Poland, or to the Department's choice of facts available, and no new facts were submitted which would cause the Department to revisit this decision. Therefore, for the reasons set out in the *Preliminary Determinations*, 66 FR 8343, we have continued to use the highest margins alleged by the petitioner for the mandatory respondents from Indonesia and Poland for the purposes of this final determination notice. In addition, the Department has left unchanged from the preliminary determinations the "All Others Rate" in the investigations from Indonesia and Poland.

We received comments from the petitioner regarding the margin assigned in the Ukraine investigation. For the reasons set out in the *Decision Memorandum*, we have continued to use the highest margin alleged by the petitioner for the rebar produced/exported by Ukrainian firms.

### Critical Circumstances

In the petition, filed on June 28, 2000, the petitioner alleged that there is a reasonable basis to believe or suspect that critical circumstances exist with respect to imports of rebar from Poland.

On August 30, 2000, the Department preliminarily determined that critical circumstances exist with respect to exports of rebar from Poland. *See Memorandum to Holly A. Kuga Re: Preliminary Affirmative Determinations of Critical Circumstances* (August 30, 2000); *see also Preliminary Determinations of Critical Circumstances: Steel Concrete Reinforcing Bars From the People's Republic of China and Poland*, 65 FR 54228 (September 7, 2000).

In a letter filed on August 22, 2000, the petitioner alleged that there is a reasonable basis to believe or suspect that critical circumstances exist with respect to imports of rebar from Ukraine. On November 27, 2000, the Department preliminarily determined that critical circumstances exist for imports of rebar from Ukraine. *See Preliminary Determinations of Critical Circumstances: Steel Concrete Reinforcing Bars From Ukraine and Moldova*, 65 FR 70696 (November 27, 2000).

No comments were filed since the preliminary determinations on the issue of critical circumstances by any party in the Poland or Ukraine proceedings, and there were no new facts discovered by the Department. Therefore, for the reasons specified in our preliminary determinations, we continue to find that critical circumstances exist in the cases of Poland and Ukraine.

### Final Determinations of Investigations

We determine that the following percentage weighted-average margins exist for the periods April 1, 1999, through March 31, 2000 (for Indonesia and Poland), and October 1, 1999 through March 31, 2000 (for Ukraine):

Manufacturer/exporter	Margin (percent)
Poland:	
Stalexport .....	52.07
All others .....	47.13
Indonesia:	
Sakti .....	71.01
Bhirma .....	71.01
Krakatau .....	71.01
Perdana .....	71.01
Hanil .....	71.01
Pulogadung .....	71.01
Tunggal .....	71.01
Master Steel .....	71.01
All others .....	60.46
Ukraine:	
Ukraine-Wide Rate .....	41.69

### Suspension of Liquidation

Pursuant to section 735(c)(1)(B) of the Act, we are instructing the U.S. Customs Service to continue to suspend liquidation of all entries of rebar from

Indonesia that are entered, or withdrawn from warehouse, for consumption on or after January 30, 2001 (the date of publication of the *Preliminary Determinations* in the **Federal Register**). For Poland and Ukraine, in accordance with section 735(c)(1)(B) of the Act, we are directing the Customs Service to continue to suspend liquidation of all entries of rebar that are entered, or withdrawn from warehouse, for consumption on or after November 1, 2000 (90 days prior to the date of publication of the *Preliminary Determinations* in the **Federal Register**). The Customs Service shall continue to require a cash deposit or the posting of a bond equal to the estimated amount by which the normal value exceeds the U.S. price as shown above. The suspension of liquidation instructions will remain in effect until further notice.

#### ITC Notification

In accordance with section 735(d) of the Act, we have notified the International Trade Commission (ITC) of our determinations. As our final determinations are affirmative, the ITC will determine, within 45 days, whether these imports are causing material injury, or threat of material injury, to an industry in the United States. If the ITC determines that material injury, or threat of injury does not exist, the proceeding will be terminated and all securities posted will be refunded or canceled. If the ITC determines that such injury does exist, the Department will issue an antidumping order directing Customs officials to assess antidumping duties on all imports of the subject merchandise entered or withdrawn from warehouse for consumption on or after the effective date of the suspension of liquidation.

These determinations are issued and published in accordance with sections 735(d) and 777(i)(1) of the Act.

Dated: April 2, 2001.

**Timothy J. Hauser,**

*Acting Under Secretary for International Trade.*

#### Appendix—Issues in Decision Memorandum

##### *Comment and Response*

##### 1. Basis for Facts Available Margin

[FR Doc. 01-8935 Filed 4-10-01; 8:45 am]

BILLING CODE 3510-DS-P

## DEPARTMENT OF COMMERCE

### International Trade Administration

#### University of California, Davis; Notice of Decision on Application for Duty-Free Entry of Scientific Instrument

This decision is made pursuant to section 6(c) of the Educational, Scientific, and Cultural Materials Importation Act of 1966 (Pub. L. 89-651, 80 Stat. 897; 15 CFR part 301). Related records can be viewed between 8:30 a.m. and 5:00 p.m. in Room 4211, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

*Docket Number:* 01-004. *Applicant:* University of California, Davis, CA 95616-8711. *Instrument:* Multielectrode Neuronal Manipulator, Model Eckhorn-7. *Manufacturer:* UWE Thomas Recording, Germany. *Intended Use:* See notice at 66 FR 9557, February 8, 2001.

*Comments:* None received. *Decision:* Approved. No instrument of equivalent scientific value to the foreign instrument, for such purposes as it is intended to be used, is being manufactured in the United States.

*Reasons:* The foreign instrument provides a precise positioning system which can insert up to 7 very fine glass-coated microelectrodes (diameter to 25  $\mu$ m) in 1  $\mu$ m steps to selected positions through the dura into the brain of a test animal. The National Institutes of Health advises in its memorandum of March 12, 2001 that (1) this capability is pertinent to the applicant's intended purpose and (2) it knows of no domestic instrument or apparatus of equivalent scientific value to the foreign instrument for the applicant's intended use.

We know of no other instrument or apparatus of equivalent scientific value to the foreign instrument which is being manufactured in the United States.

**Gerald A. Zerdy,**

*Program Manager, Statutory Import Programs Staff.*

[FR Doc. 01-8937 Filed 4-10-01; 8:45 am]

BILLING CODE 3510-DS-P

## DEPARTMENT OF COMMERCE

### National Institute of Standards and Technology

#### Manufacturing Extension Partnership National Advisory Board

**AGENCY:** National Institute of Standards and Technology, Department of Commerce.

**ACTION:** Notice of partially closed meeting.

**SUMMARY:** Pursuant to the Federal Advisory Committee Act, 5 U.S.C. app. 2, notice is hereby given that the Manufacturing Extension Partnership National Advisory Board (MEPNAB), National Institute of Standards and Technology (NIST), will meet Thursday, May 10, 2001 from 8 am to 3:30 pm. The MEPNAB is composed of nine members appointed by the Director of NIST who were selected for their expertise in the area of industrial extension and their work on behalf of smaller manufacturers. The Board was established to fill a need for outside input on MEP. MEP is a unique program consisting of centers in all 50 states and Puerto Rico. The centers have been created by state, federal, and local partnerships. The board works closely with MEP to provide input and advice on MEP's programs, plans, and policies. The purpose of this meeting is to look at center marketing and sales operations from the national perspective and what NIST MEP is planning and what best practices can be shared across the system. The Board will also hear progress of MEP's new market research project. Discussions scheduled to begin at 8 am and to end at 9:30 am and to begin at 2:30 pm and to end at 3:30 pm on May 10, 2001, on personnel issues and proprietary budget information will be closed.

**DATES:** The meeting will convene May 10, 2001 at 8 am and will adjourn at 3:30 pm on May 10, 2001.

**ADDRESSES:** The meeting will be held at the Gaithersburg Marriott Washingtonian Center, Salon A, 9751 Washingtonian Boulevard, Gaithersburg, Maryland 20878.

**FOR FURTHER INFORMATION CONTACT:** Linda Acierto, Senior Policy Advisor, Manufacturing Extension Partnership, National Institute of Standards and Technology, Gaithersburg, MD 20899-4800, telephone number (301) 975-5033.

**SUPPLEMENTARY INFORMATION:** The Assistant Secretary for Administration with the concurrence of the General Counsel formally determined on December 18, 2000, that portions of the meeting which involve discussion of proposed funding of the MEP may be closed in accordance with 5 U.S.C. 552b(c)(9)(B), because that portion will divulge matters the premature disclosure of which would be likely to significantly frustrate implementation of proposed agency actions; and that portions of the meeting which involve discussion of the staffing of positions in

MEP may be closed in accordance with 5 U.S.C. 552b(c)(6), because divulging information discussed in that portion of the meeting is likely to reveal information of a personal nature, where disclosure would constitute a clearly unwarranted invasion of personal privacy.

Dated: April 5, 2001.

**Karen H. Brown,**

*Acting Director.*

[FR Doc. 01-8914 Filed 4-10-01; 8:45 am]

BILLING CODE 3510-73-M

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 032601D]

#### Atlantic Highly Migratory Species; Notice of Availability of Draft Biological Opinion

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of availability of the draft biological opinion on authorization of the fisheries under the Fishery Management Plan for Atlantic Tunas, Swordfish and Sharks.

**SUMMARY:** NMFS announces the availability of a draft biological opinion on authorization of the fisheries under the Fishery Management Plan for Atlantic Tunas, Swordfish and Sharks.

**DATES:** The draft document is now available. Comments on the draft document will be accepted through 5 p.m. EST on April 18, 2001.

**ADDRESSES:** Copies of the draft document may be obtained from Christopher Rogers, Acting Chief, Highly Migratory Species Management Division, NMFS, 1315 East-West Highway, Silver Spring, MD 20910, (301) 713-2347. Written comments on the document must be mailed to Bruce C. Morehead, Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910; or faxed to 301-713-1917. Comments will not be accepted if submitted via email or the Internet.

**FOR FURTHER INFORMATION CONTACT:** Christopher Rogers, 301-713-2347.

**SUPPLEMENTARY INFORMATION:** The Endangered Species Act draft biological opinion on authorization of fisheries under the Fishery Management Plan for Atlantic Tunas, Swordfish, and Sharks is now available for review. The document is available on the internet at

(<http://www.nmfs.noaa.gov/>); printed copies are available from NMFS upon request (see **ADDRESSES**).

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: April 2, 2001.

**Bruce C. Morehead,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

[FR Doc. 01-8943 Filed 4-10-01; 8:45 am]

BILLING CODE 3510-22-S

## DEPARTMENT OF DEFENSE

### GENERAL SERVICES ADMINISTRATION

#### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000-0006]

#### Submission for OMB Review; Comment Request Entitled Subcontracting Plans/Subcontracting Report for Individual Contracts (Standard Form 294)

**AGENCIES:** Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

**ACTION:** Notice of request for an extension to an existing OMB clearance (9000-0006).

**SUMMARY:** Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the Federal Acquisition Regulation (FAR) Secretariat has submitted to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning Subcontracting Plans/Subcontracting Reporting for Individual Contracts (Standard Form 294).

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FAR, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

**ADDRESSES:** Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, or

obtaining a copy of the proposal, should be submitted to: General Services Administration, FAR Secretariat (MVP), 1800 F Street, NW., Room 4035, Washington, DC 20405.

**DATES:** Comments may be submitted on or before May 11, 2001.

**FOR FURTHER INFORMATION CONTACT:** Rhonda Cundiff, Acquisition Policy Division, GSA (202) 501-0044.

#### SUPPLEMENTARY INFORMATION:

##### A. Purpose

In accordance with the Small Business Act (15 U.S.C. 631, *et seq.*), contractors receiving a contract for more than \$10,000 agree to have small business, small disadvantaged business, and women-owned small business, HUBZone small business, veteran-owned small business and service-disabled veteran-owned small business concerns participate in the performance of the contract as far as practicable. Contractors receiving a contract or a modification to a contract expected to exceed \$500,000 (\$1,000,000 for construction) must submit a subcontracting plan that provides maximum practicable opportunities for the above named concerns. Specific elements required to be included in the plan are specified in section 8(d) of the Small Business Act and implemented in FAR Subpart 19.7.

In conjunction with these plans, contractors must submit semiannual reports of their progress on Standard Form 294, Subcontracting Report for Individual Contracts.

##### B. Annual Reporting Burden

*Respondents:* 4,253.

*Responses Per Respondent:* 3.44.

*Total Responses:* 14,631.

*Hours Per Response:* 50.52.

*Total Burden Hours:* 739,225.

##### Obtaining Copies of Proposals

Requester may obtain a copy of the proposal from the General Services Administration, FAR Secretariat (MVP), 1800 F Street, NW., Room 4035, Washington, DC 20405, telephone (202) 501-4755. Please cite OMB Control No. 9000-0006, Subcontracting Plans/Subcontracting Reporting for Individual Contracts (Standard Form 294), in all correspondence.

Dated: April 6, 2001.

**Gloria Sochon,**

*Acting Director, Acquisition Policy Division.*

[FR Doc. 01-8973 Filed 4-10-01; 8:45 am]

BILLING CODE 6820-34-P

**DEPARTMENT OF DEFENSE****GENERAL SERVICES  
ADMINISTRATION****NATIONAL AERONAUTICS AND  
SPACE ADMINISTRATION****[OMB Control No. 9000-0125]****Submission for OMB Review;  
Comment Request Entitled Written  
Refusal of a Utility Supplier to Execute  
a Utility Contract**

**AGENCIES:** Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

**ACTION:** Notice of request for an extension to an existing OMB clearance (9000-0125).

**SUMMARY:** Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the Federal Acquisition Regulation (FAR) Secretariat has submitted to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning Written Refusal of a Utility Supplier to Execute a Utility Contract. A request for public comments was published at 66 FR 2890, January 12, 2001. No comments were received.

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FAR, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

**DATES:** Comments may be submitted on or before May 11, 2001.

**ADDRESSES:** Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, should be submitted to: FAR Desk Officer, OMB, Room 10102, NEOB, Washington, DC 20503, and a copy to the General Services Administration, FAR Secretariat, 1800 F Street, NW., Room 4035, Washington, DC 20405.

**FOR FURTHER INFORMATION CONTACT:** Julia Wise, Federal Acquisition Policy Division, GSA (202) 208-1168.

**SUPPLEMENTARY INFORMATION:****A. Purpose**

The Federal Acquisition Regulation requires that contracts comply with the applicable Federal laws and the relevant parts of the FAR. The written and definite refusal by a utility supplier to execute a tendered contract (41.202(c)) is intended to identify those suppliers who refuse to do so and the rationale of the supplier for refusing.

**B. Annual Reporting Burden**

*Respondents:* 50.  
*Responses Per Respondent:* 1.  
*Total Annual Responses:* 50.  
*Hours Per Response:* .50.  
*Total Burden Hours:* 25.

**Obtaining Copies of Proposals**

Requester may obtain a copy of the proposal from the General Services Administration, FAR Secretariat (MVRs), Room 4035, 1800 F Street, NW., Washington, DC 20405, telephone (202) 501-4755. Please cite OMB Control No. 9000-0125, Written Refusal of a Utility Supplier to Execute a Utility Contract, in all correspondence.

Dated: April 6, 2001.

**Al Matera,**

*Acting Director, Federal Acquisition Policy Division.*

[FR Doc. 01-8974 Filed 4-10-01; 8:45 am]

**BILLING CODE 6820-34-P**

**DEPARTMENT OF DEFENSE****GENERAL SERVICES  
ADMINISTRATION****NATIONAL AERONAUTICS AND  
SPACE ADMINISTRATION****[OMB Control No. 9000-0123]****Submission for OMB Review;  
Comment Request Entitled Change in  
Rates or Terms and Conditions of  
Service for Regulated Services**

**AGENCIES:** Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

**ACTION:** Notice of request for an extension to an existing OMB clearance (9000-0123).

**SUMMARY:** Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the Federal Acquisition Regulation (FAR) Secretariat has submitted to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement

concerning Change in Rates or Terms and Conditions of Service for Regulated Services. A request for public comments was published at 66 FR 2889, January 12, 2001. No comments were received.

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FAR, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

**DATES:** Comments may be submitted on or before May 11, 2001.

**ADDRESSES:** Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, should be submitted to: FAR Desk Officer, OMB, Room 10102, NEOB, Washington, DC 20503, and a copy to the General Services Administration, FAR Secretariat, 1800 F Street, NW., Room 4035, Washington, DC 20405. Please cite OMB Control No. 9000-0123, Change in Rates or Terms and Conditions of Service for Regulated Services, in all correspondence.

**FOR FURTHER INFORMATION CONTACT:** Julia Wise, Federal Acquisition Policy Division, GSA (202) 208-1168.

**SUPPLEMENTARY INFORMATION:****A. Purpose**

The FAR clause at 52.241-7 requires the utility to furnish the Government with a complete set of rates, terms and conditions, and any subsequently approved or proposed revisions when proposed.

**B. Annual Reporting Burden**

*Respondents:* 1,028.  
*Responses Per Respondent:* 5.  
*Total Responses:* 5,140.  
*Hours Per Response:* .25 minutes.  
*Total Burden Hours:* 1,285.

**C. Annual Recordkeeping Burden**

*Recordkeepers:* 1,000.  
*Hours Per Recordkeeper:* 1.  
*Total Recordkeeping Burden Hours:* 1,000.

**Obtaining Copies of Proposals**

Requester may obtain a copy of the proposal from the General Services Administration, FAR Secretariat



(MVRs), Room 4035, 1800 F Street, NW., Washington, DC 20405, telephone (202) 501-4755. Please cite OMB Control No. 9000-0123, Change in Rates or Terms and Conditions of Service for Regulated Services, in all correspondence.

Dated: April 6, 2001.

**Al Matera,**

*Acting Director, Federal Acquisition Policy Division.*

[FR Doc. 01-8975 Filed 4-10-01; 8:45 am]

BILLING CODE 6820-34-P

## DEPARTMENT OF DEFENSE

### GENERAL SERVICES ADMINISTRATION

### NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[OMB Control No. 9000-0122]

#### Submission for OMB Review; Comment Request Entitled Scope and Duration of Contract

**AGENCIES:** Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

**ACTION:** Notice of request for an extension to an existing OMB clearance (9000-0122).

**SUMMARY:** Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), the Federal Acquisition Regulation (FAR) Secretariat has submitted to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection requirement concerning Scope and Duration of Contract. A request for public comments was published at 66 FR 2888, January 12, 2001. No comments were received.

Public comments are particularly invited on: Whether this collection of information is necessary for the proper performance of functions of the FAR, and whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate, and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

**DATES:** Comments may be submitted on or before May 11, 2001.

**ADDRESSES:** Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, should be submitted to: FAR Desk Officer, OMB, Room 10102, NEOB, Washington, DC 20503, and a copy to the General Services Administration, FAR Secretariat, 1800 F Street, NW., Room 4035, Washington, DC 20405. Please cite OMB Control No. 9000-0122, Scope and Duration of Contract, in all correspondence.

**FOR FURTHER INFORMATION CONTACT:** Julia Wise, Federal Acquisition Policy Division, GSA (202) 208-1168.

#### SUPPLEMENTARY INFORMATION:

##### A. Purpose

The FAR clause at 52.241-3 requires the utility to furnish the Government with a complete set of rates, terms and conditions, and any subsequently approved or proposed revisions when proposed.

##### B. Annual Reporting Burden

*Respondents:* 1,028.  
*Responses Per Respondent:* 5.  
*Total Responses:* 5,140.  
*Hours Per Response:* .25.  
*Total Burden Hours:* 1,285.

##### C. Annual Recordkeeping Burden

*Recordkeepers:* 1,000.  
*Hours Per Recordkeeper:* 1.  
*Total Recordkeeping Burden Hours:* 1,000.

##### Obtaining Copies of Proposals

Requester may obtain a copy of the proposal from the General Services Administration, FAR Secretariat (MVRs), 1800 F Street, NW., Room 4035, Washington, DC 20405, telephone (202) 501-4755. Please cite OMB Control No. 9000-0122, Scope and Duration of Contract, in all correspondence.

Dated: April 6, 2001.

**Al Matera,**

*Acting Director, Federal Acquisition Policy Division.*

[FR Doc. 01-8976 Filed 4-10-01; 8:45 am]

BILLING CODE 6820-34-P

## DEPARTMENT OF EDUCATION

#### Submission for OMB Review; Comment Request

**AGENCY:** Department of Education.

**SUMMARY:** The Leader, Regulatory Information Management Group, Office of the Chief Information Officer invites comments on the submission for OMB review as required by the Paperwork Reduction Act of 1995.

**DATES:** Interested persons are invited to submit comments on or before May 11, 2001.

**ADDRESSES:** Written comments should be addressed to the Office of Information and Regulatory Affairs, Attention: Lauren Wittenberg, Acting Desk Officer, Department of Education, Office of Management and Budget, 725 17th Street, NW., Room 10235, New Executive Office Building, Washington, DC 20503 or should be electronically mailed to the internet address [Lauren\\_Wittenberg@omb.eop.gov](mailto:Lauren_Wittenberg@omb.eop.gov).

**SUPPLEMENTARY INFORMATION:** Section 3506 of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection, grouped by office, contains the following: (1) Type of review requested, e.g. new, revision, extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Recordkeeping burden. OMB invites public comment.

Dated: April 5, 2001.

**John Tressler,**

*Leader, Regulatory Information Management, Office of the Chief Information Officer.*

#### Office of Special Education and Rehabilitative Services

*Type of Review:* New.  
*Title:* Annual Progress Reporting Form for Special Demonstration Programs.

*Frequency:* Annually.  
*Affected Public:* Not-for-profit institutions; Individuals or household; State, Local, or Tribal Gov't, SEAs or LEAs.

*Reporting and Recordkeeping Hour Burden:* Responses: 73, Burden Hours: 2,044.

*Abstract:* This data collection will be conducted annually to obtain program



and performance information from Rehabilitation Services Administration (RSA) special demonstration grantees (including special projects and systems change grantees) on their project activities. The information collected will assist federal RSA staff in responding to the Government Performance and Results Act. Data will primarily be collected through an internet form.

Requests for copies of the proposed information collection request may be accessed from <http://edicsweb.ed.gov>, or should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW., Room 4050, Regional Office Building 3, Washington, DC 20202-4651. Requests may also be electronically mailed to the internet address OCIO\_IMG\_Issues@ed.gov or faxed to 202-708-9346. Please specify the complete title of the information collection when making your request. Comments regarding burden and/or the collection activity requirements should be directed to Sheila Carey at (202) 708-6287 or via her internet address Sheila.Carey@ed.gov. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339.

[FR Doc. 01-8873 Filed 4-10-01; 8:45 am]

BILLING CODE 4000-01-P

## DEPARTMENT OF EDUCATION

### Privacy Act of 1974; System of Records—Federal Student Aid Application File (18-11-01)

**AGENCY:** Department of Education.

**ACTION:** Correction.

**SUMMARY:** We publish this notice to correct the Federal Student Aid Application File (18-11-01) by restoring a routine use for disclosures to third parties under computer matching programs that was inadvertently deleted when this notice was republished in the **Federal Register**. This restored routine use reflects that we disclose information that applicants provide in their applications for Federal student financial aid to other entities under approved computer matching programs for the purpose of verifying that application information.

**DATES:** The routine uses added by this notice are effective on April 11, 2001.

**FOR FURTHER INFORMATION CONTACT:** John Tressler, Office of Chief Information Officer, U.S. Department of Education, 400 Maryland Avenue, SW., room 4050 Regional Office Building 3, Washington, DC 20202-4580. Telephone: (202) 708-

8900. If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 1-800-877-8339.

Individuals with disabilities may obtain this document in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person listed in the preceding paragraph.

#### SUPPLEMENTARY INFORMATION:

##### General

On June 4, 1999, we republished in the **Federal Register** (64 FR 30105) virtually all of our systems of records, including this system of records. Due to technical errors, we amended this system of records in the **Federal Register** of December 27, 1999 (64 FR 72407) to correct the categories of records in the system. In the **Federal Register** of March 2, 2000 (65 FR 11294-95), we added routine uses numbers 10-15 to this system of records.

We recently discovered that we had inadvertently deleted a routine use involving disclosures to third parties under computer matching programs (former routine use j) from the Federal Student Aid Application File (18-11-01) when we republished this notice in the June 4, 1999 **Federal Register**. This notice restores that routine use.

##### Correction

In the Notice of New, Amended, Altered and Deleted Systems of Records published in the **Federal Register** on June 4, 1999 (64 FR 30105), make the following correction beginning on page 30160, in the first column, in the notice entitled "Federal Student Aid Application File (18-11-01)," under the heading "Routine Uses of Records Maintained in the System, Including Categories of Users and Purposes of Such Users," add the following numbered paragraph (16)

**Note:** Since the March 2, 2000 notice added routine uses numbers 10-15, this routine use is added as number (16)

(16) *Disclosures to third parties through computer matching programs.* Any information from this system of records, including personal information obtained from other agencies through computer matching programs, may be disclosed to any third party through a computer matching program in connection with an individual's application or participation in any grant or loan program administered by the U.S. Department of Education. Purposes of these disclosures may be to determine program eligibility and benefits, enforce the conditions and terms of the loan or grant, permit the servicing and

collecting of the loan or grant, counsel the individual in repayment efforts, investigate possible fraud and verify compliance with program regulations, locate a delinquent or defaulted debtor, and initiate legal action against an individual involved in program fraud or abuse.

#### Electronic Access to This Document

You may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: [www.ed.gov/legislation/FedRegister](http://www.ed.gov/legislation/FedRegister)

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1-888-293-6498; or in the Washington, DC area at (202) 512-1530.

**Note:** The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: <http://www.access.gpo.gov/nara/index.html>.

Dated: April 6, 2001.

**Craig B. Luigart,**

*Chief Information Officer.*

[FR Doc. 01-8926 Filed 4-10-01; 8:45 am]

BILLING CODE 4000-01-P

## DEPARTMENT OF ENERGY

[Docket No. EA-196-A]

### Application To Export Electric Energy; Minnesota Power, Inc.

**AGENCY:** Office of Fossil Energy, DOE.

**ACTION:** Notice of Application.

**SUMMARY:** Minnesota Power, Inc. (Minnesota Power) has applied for renewal of its authority to transmit electric energy from the United States to Canada pursuant to section 202(e) of the Federal Power Act.

**DATES:** Comments, protests or requests to intervene must be submitted on or before May 11, 2001.

**ADDRESSES:** Comments, protests or requests to intervene should be addressed as follows: Office of Coal & Power Im/Ex (FE-27), Office of Fossil Energy, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585-0350 (FAX 202-287-5736).

**FOR FURTHER INFORMATION CONTACT:** Rosalind Carter (Program Office) 202-586-7983 or Michael Skinker (Program Attorney) 202-586-2793.

**SUPPLEMENTARY INFORMATION:** Exports of electricity from the United States to a foreign country are regulated and require authorization under section 202(e) of the Federal Power Act (FPA) (16 U.S.C. 824a(e)).

On February 11, 1999, the Office of Fossil Energy (FE) of the Department of Energy (DOE) issued Order No. EA-196 authorizing Minnesota Power to transmit electric energy from the United States to Canada. Minnesota Power is a Minnesota corporation, owns electric generation and transmission facilities and sells and distributes electricity within its northern Minnesota service territory.

Minnesota Power proposes to arrange for delivery of electric energy to Canada over transmission facilities owned and operated by Basin Electric Power Cooperative, Bonneville Power Administration, Citizens Utilities, Detroit Edison, Eastern Maine Electric Cooperative, Joint Owners of the Highgate Project, Inc., Maine Electric Power Company, Maine Public Service Company, Minnesota Power and Light Co., Inc., Minnkota Power, New York Power Authority, Niagara Mohawk Power Corp., Northern States Power, and Vermont Electric Transmission Company. That two-year authorization expired on February 11, 2001.

On March 2, 2001, Minnesota Power filed an application with FE for renewal of this export authority and requested that the authorization be granted for a two-year term (or for such other period as the Department deems appropriate) and that the international transmission lines owned by Long Sault, Inc. be added to the list of authorized export points.

#### Procedural Matters

Any person desiring to become a party to this proceeding or to be heard by filing comments or protests to this application should file a petition to intervene, comment or protest at the address provided above in accordance with §§ 385.211 or 385.214 of the FERC's Rules of Practice and Procedures (18 CFR 385.211, 385.214). Fifteen copies of each petition and protest should be filed with the DOE on or before the date listed above.

Comments on the Minnesota Power request to export to Canada should be clearly marked with Docket EA-196-A. Additional copies are to be filed directly with Steven W. Tyacke, Esq., Minnesota Power, Inc., 30 West Superior Street, Duluth, MN 55802.

DOE notes that the circumstances described in this application are virtually identical to those for which export authority had previously been

granted in FE Order No. EA-196. Consequently, DOE believes that it has adequately satisfied its responsibilities under the National Environmental Policy Act of 1969 through the documentation of a categorical exclusion in the FE Docket EA-196 proceeding.

Copies of this application will be made available, upon request, for public inspection and copying at the address provided above or by accessing the Fossil Energy Home Page at <http://www.fe.doe.gov>. Upon reaching the Fossil Energy Home page, select "Electricity," from the Regulatory Info menu, and then "Pending Proceedings" from the options menus.

Issued in Washington, D.C., on April 4, 2001.

**Anthony Como,**

*Deputy Director, Electric Power Regulation, Office of Coal & Power Im/Ex, Office of Coal & Power Systems, Office of Fossil Energy.*

[FR Doc. 01-8897 Filed 4-10-01; 8:45 am]

**BILLING CODE 6450-01-P**

## DEPARTMENT OF ENERGY

### Office of Energy Efficiency and Renewable Energy

#### Federal Energy Management Advisory Committee; Notice of Open Meeting

**AGENCY:** Department of Energy, DOE.

**ACTION:** Notice of open meeting.

**SUMMARY:** This notice announces an open meeting of the Federal Energy Management Advisory Committee (FEMAC). The Federal Advisory Committee Act (Public Law 92-463, 86 Stat. 770) requires that these meetings be announced in the **Federal Register** to allow for public participation. This notice announces the third meeting of FEMAC, an advisory committee established under Executive Order 13123, "Greening the Government through Efficient Energy Management."

**DATES:** Tuesday, April 17, 2001; 1:00 p.m. to 5:00 p.m.; Wednesday, April 18, 2001; 8:30 a.m. to 4:00 p.m.

**ADDRESSES:** Loews L'Enfant Plaza Hotel, 480 L'Enfant Plaza, SW, Washington, DC 20024.

**FOR FURTHER INFORMATION CONTACT:** Steven Huff, Designated Federal Officer for the Committee, Office of Federal Energy Management Programs, U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585; (202) 586-3507.

#### SUPPLEMENTARY INFORMATION:

*Purpose of meeting:* To provide advice and guidance on Federal Energy Management.

*Tentative Agenda:* Agenda will include discussions on the following:

Tuesday, April 17, 2001, and  
Wednesday, April 18, 2001

- Federal energy management budget
- Energy-savings performance contracts
- Utility energy-efficiency service contracts
- Procurement of ENERGY STAR (Registered Trademark) and other energy efficient products
- Building design
- Process energy use
- Applications of efficient and renewable energy technologies (including clean energy technologies) at Federal facilities
- Public comment

*Public Participation:* In keeping with procedures, members of the public are welcome to observe the business of the Federal Energy Management Advisory Committee. If you would like to file a written statement with the Committee, you may do so either before or after the meeting. If you would like to make oral statements regarding any of these items on the agenda, you should contact Steven Huff at (202) 586-3507 or [Steven.Huff@ee.doe.gov](mailto:Steven.Huff@ee.doe.gov). You must make your request for an oral statement at least five business days before the meeting. Members of the public will be heard in the order in which they sign up at the beginning of the meeting. Reasonable provision will be made to include the scheduled oral statements on the agenda. The Chair of the Committee will make every effort to hear the views of all interested parties. The Chair will conduct the meeting to facilitate the orderly conduct of business. This notice is being published less than fifteen days before the date of the meeting due to the late resolution of programmatic issues.

*Minutes:* The minutes of the meeting will be available for public review and copying within 30 days at the Freedom of Information Public Reading Room; Room 1EB190; Forrestal Building; 1000 Independence Avenue, SW., Washington, DC, between 9:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, D.C. on April 5, 2001.

**Rachel M. Samuel,**

*Deputy Advisory Committee Management Officer.*

[FR Doc. 01-8899 Filed 4-10-01; 8:45 am]

**BILLING CODE 6450-01-P**

## DEPARTMENT OF ENERGY

Federal Energy Regulatory  
Commission

[Docket No. RP99-301-014]

**ANR Pipeline Company; Notice of  
Negotiated Rate Filing**

April 5, 2001.

Take notice that on April 2, 2001, ANR Pipeline Company (ANR), tendered for filing and approval a Service Agreement between ANR and Constellation Power Source, Inc. (CPS) pursuant to ANR's Rate Schedule IPLS (IPLS Agreement). ANR states that the filed IPLS Agreement contains a negotiated rate arrangement between ANR and CPS to be effective April 1, 2001 through March 31, 2002 (Negotiated Rate). ANR requests that the Commission accept and approve the Negotiated Rate to be effective April 1, 2001.

ANR states that copies of filing has been mailed to each of ANR's customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance). Comments, protests, and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at <http://www.ferc.fed.us/efi/doorbell.htm>.

**David P. Boergers,**  
Secretary.

[FR Doc. 01-8860 Filed 4-10-01; 8:45 am]

BILLING CODE 6717-01-M

## DEPARTMENT OF ENERGY

Federal Energy Regulatory  
Commission

[Docket No. RP99-301-015]

**ANR Pipeline Company; Notice of  
Negotiated Rate Filing**

April 5, 2001.

Take notice that on April 2, 2001, ANR Pipeline Company (ANR), tendered for filing and approval the following agreements between ANR and Dynegy Marketing and Trade (Dynegy): (1) Two Rate Schedule FTS-1 Service Agreements; (2) two Rate Schedule IWS Service Agreements; (3) a Southeast Area Gathering Service Agreement; and (4) a March 29, 2001 Negotiated Rate Agreement (March 29 Agreement). The March 29 Agreement sets forth a negotiated rate arrangement between ANR and Dynegy to be effective April 1, 2001 through October 31, 2001 (Negotiated Rate). ANR requests that the Commission accept and approve the Negotiated Rate to be effective April 1, 2001.

ANR states that copies of the filing has been mailed to each of ANR's customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance). Comments, protests, and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at <http://www.ferc.fed.us/efi/doorbell.htm>.

**David P. Boergers,**  
Secretary.

[FR Doc. 01-8861 Filed 4-10-01; 8:45 am]

BILLING CODE 6717-10-M

## DEPARTMENT OF ENERGY

Federal Energy Regulatory  
Commission

[Docket No. RP99-518-020]

**PG&E Gas Transmission, Northwest  
Corporation; Notice of Negotiated Rate**

April 5, 2001.

Take notice that on April 2, 2001, PG&E Gas Transmission, Northwest Corporation (CTN) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1-A Fourteenth Revised Sheet No. 7, with an effective date of April 1, 2001.

GTN states that this sheet is being filed to reflect the implementation of five negotiated rate agreements and the removal of two negotiated rate agreements that have expired.

GTN further states that a copy of this filing has been served on GTN's jurisdictional customers an interested state regulatory agencies.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance). Comments, protests, and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at <http://www.ferc.fed.us/efi/doorbell.htm>.

**David P. Boergers,**  
Secretary.

[FR Doc. 01-8862 Filed 4-10-01; 8:45 am]

BILLING CODE 6717-01-M

**DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission****[Docket No. RP97-288-016]****Transwestern Pipeline Company;  
Notice of Negotiated Rate**

April 5, 2001.

Take notice that on April 2, 2001, Transwestern Pipeline Company (Transwestern) tendered for filing to become part of Transwestern's FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheets, proposed to become effective on April 3, 2001:

Eleventh Revised Sheet No. 5B.05  
Third Revised Sheet No. 5B.06  
Eighth Revised Sheet No. 5B.07  
Second Revised Sheet No. 5B.08  
First Revised Sheet No. 5B.09  
First Revised Sheet No. 5B.10

Transwestern states that the above sheets are being filed to describe a specific negotiated rate agreement with Reliant Energy Services, Inc., in accordance with the Commission's Policy Statement on Alternatives to Traditional Cost-of-Service Ratemaking for Natural Gas Pipelines. In addition, transactions that have expired have been deleted.

Transwestern further states that copies of the filing have been mailed to each of its customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection to the Public Reference Room. This filing may be viewed on the web at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance). Comments, protests, and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web

site at <http://www.ferc.fed.us/efi/doorbell.htm>.

David P. Boergers,  
Secretary.

[FR Doc. 01-8859 Filed 4-10-01; 8:45 am]

BILLING CODE 6717-10-M

**DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission****[Docket No. EC00-27.003, et al.]****UtiliCorp United Inc., et al.; Electric Rate and Corporate Regulation Filings**

April 4, 2001.

Take notice that the following filings have been made with the Commission:

**1. UtiliCorp United Inc.**

[Docket No. EC00-27-003]

Take notice that on March 27, 2001, UtiliCorp United Inc. (UtiliCorp) tendered for filing an updated competitive analysis addressing the planned integration of UtiliCorp's Missouri Public Service and St. Joseph Light and Power divisions in compliance with the Commission's order issued July 26, 2000, in *UtiliCorp United Inc. and St. Joseph Light and Power Co., UtiliCorp United Inc. and Empire District Electric Co.*, 92 FERC ¶ 61,067 (2000).

*Comment date:* April 26, 2001, in accordance with Standard Paragraph E at the end of this notice.

**2. American National Power, Inc., ANP Funding I, LLC, ANP Bellingham Energy Company, LLC, ANP Blackstone Energy Company, LLC, ANP Milford Power Company, LLC, Milford Energy Company, LLC, and ANP Holding Company**

[Docket No. EC01-85-000]

Take notice that on March 30, 2001, American National Power, Inc. (ANP), ANP Funding I, LLC (ANP Funding), ANP Bellingham Energy Company, LLC (ANP Bellingham), ANP Blackstone Energy Company, LLC (ANP Blackstone), ANP Milford Power Company, LLC (ANP Milford), Milford Energy Company, LLC (Milford), and ANP Holding Company (ANP Holding) (collectively, Applicants) filed with the Federal Energy Regulatory Commission an application pursuant to section 203 of the Federal Power Act for authorization of a disposition of jurisdictional facilities whereby certain Applicants converted their form of business organizations to limited liability companies and Applicants proposed a change in the upstream

ownership interests in certain subsidiaries.

*Comment date:* April 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

**3. ExTex LaPorte Limited Partnership**

[Docket No. EG01-164-000]

Take notice that on March 30, 2001, ExTex LaPorte Limited Partnership (ExTex) filed an Application for Determination of Exempt Wholesale Generator Status pursuant to section 32(a)(1) of the Public Utility Holding Company Act of 1935, all as more fully explained in the Application.

*Comment date:* April 25, 2001, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

**4. Delta Energy Center, LLC**

[Docket No. EG01-165-000]

Take notice that on March 30, 2001, Delta Energy Center, LLC (Delta Energy Center) filed with the Federal Energy Regulatory Commission (Commission) an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

Delta Energy Center, a Delaware limited liability company, proposes to own and operate an electrical generating facility within the City of Pittsburgh, California, and to make sales of electric energy exclusively at wholesale. The facilities will consist of three 200-megawatt, natural gas-fired turbine generators; three heat recovery steam generator units; a shared 300-megawatt steam turbine generator; and cooling towers and associated equipment.

Delta Energy Center states that copies of the application were served upon the Securities and Exchange Commission and the California Public Utilities Commission.

*Comment date:* April 25, 2001, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

**5. NWP Indian Mesa Wind Farm L.P.**

[Docket No. EG01-166-000]

Take notice that on March 30, 2001, NWP Indian Mesa Wind Farm L.P. (Applicant), a Delaware limited partnership, whose address is 600 Travis, Suite 4200, Houston, Texas 77002, filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to part 365 of the Commission's regulations.

Applicant intends to construct an approximate 82.5 MW wind power independent power production facility located in Pecos County, Texas (the Facility). The Facility is currently under development and will be owned by Applicant. Electric energy produced by the Facility will be sold by Applicant to the wholesale power market in the United States.

*Comment date:* April 25, 2001, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

#### **6. Roseton OP LLC**

[Docket No. EG01-167-000]

Take notice that on March 30, 2001, Roseton OP LLC (the Applicant) filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

The Applicant is a Delaware limited liability company which is the sole member of Roseton OL LLC, a Delaware limited liability company which has been formed to purchase from Dynegy Roseton, L.L.C. the Roseton Facility, which consists of an approximately 1200 MW gas- and oil-fired facility consisting of two 600 MW steam units as well as an undivided interest in the related common facilities, and to lease the Roseton Facility to Dynegy Roseton, L.L.C. under a long-term lease.

*Comment date:* April 25, 2001, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

#### **7. Danskammer OL LLC**

[Docket No. EG01-168-000]

Take notice that on March 30, 2001, Danskammer OL LLC (the Applicant) filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

The Applicant is a Delaware limited liability company which has been formed for the benefit of Danskammer OP LLC, a Delaware limited liability company, to purchase from Dynegy Danskammer, L.L.C. the Danskammer Facility, which consists of two units (Units 3 and 4) of the total four-unit, approximately 500 MW gas- and oil-fired facility, as well as an undivided interest in all common facilities related to Units 3 and 4, and to lease the Danskammer Facility to Dynegy

Danskammer, L.L.C. under a long-term lease.

The Applicant is a Delaware limited liability company which has been formed to purchase the Danskammer Facility, which consists of two units (Units 3 and 4) of the total four-unit, approximately 500 MW gas- and oil-fired facility, as well as an undivided interest in all common facilities related to Units 3 and 4.

*Comment date:* April 25, 2001, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the accuracy or adequacy of the application.

#### **8. Danskammer OP LLC**

[Docket No. EG01-169-000]

Take notice that on March 30, 2001, Danskammer OP LLC (the Applicant) filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

The Applicant is a Delaware limited liability company which is the sole member of Danskammer OL LLC, a Delaware limited liability company which has been formed to purchase from Dynegy Danskammer, L.L.C. the Danskammer Facility, which consists of two units (Units 3 and 4) of the total four-unit, approximately 500 MW gas- and oil-fired facility as well as an undivided interest in all common facilities related to Units 3 and 4, and to lease the Danskammer Facility to Dynegy Danskammer, L.L.C. under a long-term lease.

*Comment date:* April 25, 2001, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the accuracy or adequacy of the application.

#### **9. Roseton OL LLC**

[Docket No. EG01-170-000]

Take notice that on March 30, 2001, Roseton OL LLC (the Applicant) filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

The Applicant is a Delaware limited liability company which has been formed for the benefit of Roseton OP LLC, a Delaware limited liability company, to purchase from Dynegy Roseton, L.L.C. the Roseton Facility, an approximately 1200 MW gas- and oil-fired facility consisting of two 600 MW steam units and an undivided interest in the related common facilities, and to

lease the Roseton Facility to Dynegy Roseton, L.L.C. under a long-term lease.

*Comment date:* April 25, 2001, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

#### **10. Electricity Capital, LLC, El Cap I, LLC, and El Cap II, LLC**

[Docket No. EG01-171-000]

Take notice that on March 28, 2001, Electricity Capital, LLC (Electricity Capital), El Cap I, LLC (El Cap I), and El Cap II, LLC (El Cap II), Delaware limited liability companies, filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to part 365 of the Commission's regulations.

Applicants are engaged directly and exclusively in the business of owning and operating all or part of one or more eligible facilities and selling electric energy and capacity at wholesale. Applicants intend to produce electricity using natural gas-fired generators. El Cap I and El Cap II are wholly owned subsidiaries of Electricity Capital.

*Comment date:* April 25, 2001, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

#### **11. Energy Systems North East, LLC**

[Docket No. EG01-172-000]

Take notice that on April 2, 2001, Energy Systems North East, LLC, a Delaware limited liability company, filed with the Federal Energy Regulatory Commission (the Commission) an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's Regulations.

*Comment date:* April 25, 2001, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

#### **12. CMS Generation Operating Company**

[Docket No. EG01-173-000]

Take notice that on April 2, 2001, CMS Generation Operating Company, 330 Town Center Drive, Suite 1000, Dearborn, Michigan 48126, filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

CMS Generation Operating Company is a wholly-owned subsidiary of CMS Generation Co., a Michigan corporation, which is a wholly-owned indirect subsidiary of CMS Energy Corporation, also a Michigan corporation. CMS Generation Operating Company will operate, under an operations and maintenance agreement with the owner, a waste tire-burning electricity generating facility located in Sterling, Connecticut with a net electrical generating capacity of approximately 26 MW.

*Comment date:* April 25, 2001, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

### 13. Exeter Energy Limited Partnership

[Docket No. EG01-174-000]

Take notice that on April 2, 2001, Exeter Energy Limited Partnership, 330 Town Center Drive, Suite 1000, Dearborn, Michigan 48126, filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

Exeter Energy Limited Partnership is a wholly-owned indirect subsidiary of CMS Generation Co., a Michigan corporation, which is a wholly-owned indirect subsidiary of CMS Energy Corporation, also a Michigan corporation. Exeter Energy Limited Partnership owns a waste tire-burning electricity generating facility located in Sterling, Connecticut with a net electrical generating capacity of approximately 26 MW.

*Comment date:* April 25, 2001, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

### 14. Michigan Electric Transmission Company and Consumers Energy Company

[Docket No. ER01-1683-000]

Take notice that on March 30, 2001, Consumers Energy Company (Consumers) and Michigan Electric Transmission Company (Michigan Transco) tendered for filing a Notice of Succession and several rate schedule and service agreement documents related to the transfer of transmission assets from Consumers to Michigan Transco.

The Notice of Succession, rate schedules and service agreements are to become effective April 1, 2001, with a

termination agreement taking effect March 31, 2001.

A full copy of the filing was served upon the Michigan Public Service Commission, and Customers were sent the Notice of Succession and related materials.

*Comment date:* April 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

### 15. Nine Mile Point Nuclear Station, LLC

[Docket No. ES01-26-000]

Take notice that on March 30, 2001, Nine Mile Point Nuclear Station, LLC (Nine Mile) submitted an application pursuant to section 204 of the Federal Power Act seeking authorization to (1) assume a promissory note entered into by Constellation Nuclear, LLC, Nine Mile's indirect parent company, or execute an intercompany note that mirrors such promissory note; (2) execute an intercompany credit agreement and note in order for Constellation Energy Group, Inc., Nine Mile's ultimate parent company, to provide financial assurances with respect to operation and maintenance expenses; and (3) execute a demand note to evidence Nine Mile's participation in the cash pool operated by Constellation Energy Group, Inc. for the benefit of most of its subsidiaries.

Nine Mile also request a waiver of the Commission's competitive bidding and negotiated placement requirements at 18 CFR 34.2.

*Comment date:* April 24, 2001, in accordance with Standard Paragraph E at the end of this notice.

### 16. Griffin Energy Marketing, L.L.C. and Wisconsin Electric Power Company

[Docket Nos. ER97-4168-012 and ER98-855-002]

Take notice that on March 30, 2001, Griffin Energy Marketing (Griffin) and Wisconsin Electric Power Company (Wisconsin Electric) tendered for filing a combined updated market power analysis.

*Comment date:* April 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

### 17. Tenaska Frontier Partners, Ltd.

[Docket Nos. ER98-1767-005]

Take notice that on March 30, 2001, Tenaska Frontier Partners, Ltd. (Tenaska Frontier) tendered for filing with the Commission its triennial updated market analysis in accordance with Ordering Paragraph J of the Commission's Order in Tenaska Frontier Partners, Ltd., 82 FERC ¶ 61,323 (1998).

Questions concerning this filing may be directed to counsel for Tenaska

Frontier, Neil L. Levy, Kirkland & Ellis, 655 Fifteenth Street, NW, Suite 1200, Washington, DC 20005, Phone (202) 879-5116, Fax (202) 879-5200, e-mail Neil\_Levy@dc.kirkland.com

*Comment date:* April 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

### 18. Entergy Services, Inc.

[Docket No. ER00-1743-003]

Take notice that on March 29, 2001, Entergy Services, Inc., on behalf of the five Entergy Operating Companies: Entergy Arkansas, Inc., Entergy Gulf States, Inc., Entergy Louisiana, Inc., Entergy Mississippi, Inc., and Entergy New Orleans, Inc. (together Entergy), tendered for filing this compliance filing in response to the Commission's March 14, 2001 Order in the above-captioned docket. A copy of this filing has been served upon the state regulators of the Entergy operating companies.

*Comment date:* April 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

### 19. Atlantic City Electric Company, Baltimore Gas and Electric Company, Delmarva Power & Light Company, Metropolitan Edison Company, PPL Electric Utilities Corporation, PECO Energy Company, Potomac Electric Power Company, Public Service Electric and Gas Company, and UGI Utilities, Inc.

[Docket No. ER01-897-001]

Take notice that on March 30, 2001, Potomac Electric Power Company, tendered for filing on behalf of itself and the above captioned companies, in compliance with the delegated letter order issued on March 1, 2001, in the above-captioned docket, the following designated rate schedules which have been formatted to comply with the Order No. 614, FERC Stats. & Regs. ¶ 31,096 (2000) pagination requirements that are applicable to rate schedules: Atlantic City Electric Company Rate Schedule FERC No. 75; Baltimore Gas and Electric Company Rate Schedule FERC No. 58; Delmarva Power & Light Company Rate Schedule FERC No. 124; Metropolitan Edison Company Rate Schedule FERC No. 77; PPL Electric Utilities Corporation Rate Schedule FERC No. 168; PECO Energy Company Rate Schedule FERC No. 123; Potomac Electric Power Company Rate Schedule FERC No. 46; Public Service Electric and Gas Company Rate Schedule FERC No. 166; and, UGI Utilities, Inc. Rate Schedule FERC No. 9.

*Comment date:* April 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

**20. Pennsylvania Electric Company**

[Docket No. ER01-900-001]

Take notice that on March 30, 2001, Potomac Electric Power Company, tendered for filing in compliance with the delegated letter order issued on March 1, 2001, in the above captioned docket, new pages to be added to the following designated rate schedule which have been formatted to comply with the Order No. 614, FERC Stats. & Regs. ¶ 31,096 (2000) pagination requirements that are applicable to rate schedules: Penelec Rate Schedule FERC No. 63.

*Comment date:* April 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

**21. Pennsylvania Electric Company**

[Docket No. ER01-901-001]

Take notice that on March 30, 2001, Potomac Electric Power Company, tendered for filing in compliance with the delegated letter order issued on March 1, 2001, in the above captioned docket, new pages to be added to the following designated rate schedule which have been formatted to comply with the Order No. 614, FERC Stats. & Regs. ¶ 31,096 (2000) pagination requirements that are applicable to rate schedules: Penelec FERC Rate Schedule No. 100.

*Comment date:* April 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

**22. Entergy Services, Inc.**

[Docket No. ER01-1593-001]

Take notice that on March 30, 2001, Entergy Services, Inc. (Entergy Services) tendered for filing with the Federal Energy Regulatory Commission three pages of technical drawings that inadvertently were omitted from Appendix A to the unexecuted Interconnection and Operating Agreement between Entergy Services and Mississippi Delta Energy Agency, et al., when it was filed on March 21, 2001. Entergy Services requests that the pages to the Agreement be accepted for filing effective as of May 1, 2001, and requests waiver of the Commission's regulations to the extent necessary to permit such effective date.

*Comment date:* April 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

**23. Duke Energy Corporation**

[Docket No. ER01-1616-002]

Take notice that on March 30, 2001 Duke Energy Corporation tendered for filing an amendment to its March 26, 2001 filing in the above-captioned docket.

*Comment date:* April 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

**24. Western Resources, Inc.**

[Docket No. ER01-1650-000]

Take notice that on March 30, 2001, Western Resources, Inc., (Western Resources) tendered for filing an Amended and Restated Electric Power Supply Agreement (Agreement) between Western Resources, Inc. d.b.a. KPL and The Doniphan Electric Cooperative Association, Inc., (Cooperative). Western Resources states that this Agreement incorporates language changes from previous amendments as well as revisions to Exhibits II and III in Order 614 complaint format. Western Resources requests an effective date of June 1, 2001.

Copies of the filing were served upon the Cooperative and the Kansas Corporation Commission.

*Comment date:* April 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

**25. Nine Mile Point Nuclear Station, LLC**

[Docket No. ER01-1654-000]

Take notice that on March 30, 2001, Nine Mile Point Nuclear Station, LLC (Nine Mile LLC) tendered for filing, pursuant to Section 205 of the Federal Power Act and Part 35 of the Commission's regulations, an Application seeking authorization, on an expedited basis, to make sales at market-based rates and for certain waivers and blanket authorizations. Nine Mile LLC also tendered for filing pursuant to section 205 power purchase agreements for the sale of a portion of the output of the Nine Mile Point Unit No. 1 and Nine Mile Point Unit No. 2 nuclear generating facilities.

*Comment date:* April 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

**26. Bangor Hydro-Electric Company**

[Docket No. ER01-1655-000]

Take notice that on March 30, 2001, Bangor Hydro-Electric Company, tendered for filing an executed service agreement for network integration transmission service and an executed network operating agreement with Isle Au Haut Electric Power Company.

*Comment date:* April 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

**27. Bangor Hydro-Electric Company**

[Docket No. ER01-1656-000]

Take notice that on March 30, 2001, Bangor Hydro-Electric Company

(Bangor Hydro) tendered for filing an executed form of service agreement for the sale of power between Bangor Hydro-Electric Company (Bangor Hydro) and Swan's Island Electric Co-op under Bangor Hydro's Market-Based Rate Tariff, Electric Tariff, Original Volume No. 3.

*Comment date:* April 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

**28. Bangor Hydro-Electric Company**

[Docket No. ER01-1657-000]

Take notice that on March 30, 2001, Bangor Hydro-Electric Company, tendered for filing an executed service agreement for network integration transmission service and an executed network operating agreement with Swan's Island Electric Coop.

*Comment date:* April 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

**29. Bangor Hydro-Electric Company**

[Docket No. ER01-1658-000]

Take notice that on March 30, 2001, Bangor Hydro-Electric Company (Bangor Hydro), tendered for filing an executed form of service agreement for the sale of power between Bangor Hydro-Electric Company (Bangor Hydro) and Isle Au Haut Electric Power Company under Bangor Hydro's Market-Based Rate Tariff, Electric Tariff, Original Volume No. 3.

*Comment date:* April 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

**30. Pacific Gas and Electric Company**

[Docket No. ER01-1659-000]

Take notice that on March 30, 2001, Pacific Gas and Electric Company (PG&E) tendered for filing changes to rate schedules for electric transmission service to the following customers: Bay Area Rapid Transit District, California Department of Water Resources, Dynegy Power Services, Inc., Minnesota Methane LLC, Modesto Irrigation District, Northern California Power Agency, Sacramento Municipal Utility District, the City and County of San Francisco, California, the City of Santa Clara, California (also known as Silicon Valley Power), the Transmission Agency of Northern California, Turlock Irrigation District and the Western Area Power Administration for services to Sonoma County Water Agency.

The changes include a change in the existing wholesale transmission rate methodologies and a rate change to reflect the current cost of providing service to the foregoing customers.



Copies of this filing have been served upon the California Public Utilities Commission and the affected customers.

*Comment date:* April 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

### 31. Public Service Company of New Mexico

[Docket No. ER01-1660-000]

Take notice that on March 30, 2001, Public Service Company of New Mexico (PNM) tendered for filing an Interim Invoicing Agreement with respect to invoicing for coal deliveries from San Juan Coal Company among PNM, Tucson Electric Power Company (TEP), and the other owners of interests in the San Juan Generating Station covering the period from January 1, 2001 through December 31, 2001. The Interim Invoicing Agreement effectively modifies the San Juan Project Participation Agreement (PPA), for that same period and although the PPA is already on file at the FERC, it has not been conformed to the FERC Identification and Numbering requirements set forth in FERC Order No. 614, and PNM has therefore included a revised copy of the PPA with proper Identification and Numbering in this filing and has incorporated the Interim Invoicing Agreement as an attachment the PPA. PNM's filing is available for public inspection at its offices in Albuquerque, New Mexico. PNM requests waiver of the Commission's notice requirements in order to allow the Interim Invoicing Agreement to be effective as of January 1, 2001.

Copies of the filing have been sent to the New Mexico Public Regulation Commission, TEP, and each of the owners of an interest in the San Juan Generating Station.

*Comment date:* April 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

### 32. Kansas Gas & Electric Company

[Docket No. ER01-1661-000]

Take notice that on March 30, 2001, Kansas Gas & Electric Company (KGE) tendered for filing a change in its Federal Power Commission Electric Service Tariff No. 93. KGE states that the change is to reflect the amount of transmission capacity requirements required by Western Resources, Inc. (WR) under Service Schedule M to FPC Rate Schedule No. 93 for the period from June 1, 2001 through May 31, 2002. KGE requests an effective date of June 1, 2001.

Notice of the filing has been served upon the Kansas Corporation Commission.

*Comment date:* April 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

### 33. Central Illinois Light Company

[Docket No. ER01-1662-000]

Take notice that on March 30, 2001, Central Illinois Light Company (CILCO), 300 Liberty Street, Peoria, Illinois 61602, tendered for filing with the Commission a substitute Index of Network Transmission Service Customers under its Open Access Transmission Tariff and one network service agreement for one new customer, the Village of Riverton.

CILCO requested an effective date of March 1, 2001 for the service agreement.

Copies of the filing were served on the affected customer and the Illinois Commerce Commission.

*Comment date:* April 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

### 34. Entergy Services, Inc.

[Docket No. ER01-1664-000]

Take notice that on March 30, 2001, pursuant to Section 205 of the Federal Power Act, 16 U.S.C. 824d and 18 CFR Part 35, Entergy Services, Inc. (ESI), tendered for filing a three-month (June 1, 2001 through August 31, 2001) Transaction Agreement between Entergy Gulf States, Inc., (EGS), as seller, and ESI, as buyer, on behalf of those of the Entergy Operating Companies which have authority to enter into this Transaction Agreement (ESI and said Entergy Operating Companies collectively hereinafter referred to as Entergy).

Entergy requests an effective date of June 1, 2001 for the Transaction Agreement. Entergy states that the Transaction Agreement is nearly identical to the agreement filed and accepted for Summer 2000. Entergy renews the same commitments it made to its retail regulators and certain wholesale customers that the Commission relied on in accepting the 2000 agreement for filing.

Entergy has served a copy of this filing on its state and local regulatory commissions, East Texas Cooperatives and Arkansas Electric Cooperative Corporation.

*Comment date:* April 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

### 35. American Transmission Company LLC

[Docket No. ER01-1665-000]

Take notice that on March 30, 2001, American Transmission Company LLC (ATCLLC) tendered for filing a Revised

Network Operating Agreement and a Revised Network Integration Transmission Service Agreement with The Village of Pardeeville. ATCLLC requests an effective date of January 1, 2001.

The Service Agreement sets forth the general rates, terms and conditions pursuant to which Southern Companies will supply Monroe Power with unscheduled capacity and energy in connection with sales from its electric generation facility, as a replacement for unintentional differences between the net metered capacity and energy actually delivered by the facility, during a clock-hour, and the capacity and energy the facility is obligated to supply during such clock-hour. The Service Agreement shall terminate upon twelve (12) months prior written notice of either party.

*Comment date:* April 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

### 36. American Transmission Company LLC

[Docket No. ER01-1666-000]

Take notice that on March 30, 2001, American Transmission Company LLC (ATCLLC) tendered for filing a Short-Term Firm and Non-Firm Point-to-Point Transmission Service Agreements between ATCLLC and Allegheny Energy Supply Company, LLC. ATCLLC requests an effective date of April 1, 2001.

*Comment date:* April 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

### 37. American Transmission Company LLC

[Docket No. ER01-1667-000]

Take notice that on March 30, 2001, American Transmission Company LLC (ATCLLC) tendered for filing a Revised Network Operating Agreement and a Revised Network Integration Transmission Service Agreement between ATCLLC and The Village of Pardeeville. ATCLLC requests an effective date of January 1, 2001.

*Comment date:* April 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

### 38. Potomac Electric Power Company, Atlantic City Electric Company, Baltimore Gas and Electric Company, Delmarva Power & Light Company, Metropolitan Edison Company, PPL Electric Utilities Corporation, PECO Energy Company, and Public Service Electric and Gas Company

[Docket No. ER01-1668-000]

Take notice that on March 30, 2001, Potomac Electric Power Company,



Atlantic City Electric Company, Baltimore Gas and Electric Company, Delmarva Power & Light Company, Metropolitan Edison Company, PPL Electric Utilities Corporation, PECO Energy Company, and Public Service Electric and Gas Company tendered for filing Notices of Cancellation of rate schedules.

*Comment date:* April 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

### **39. California Independent System Operator Corporation**

[Docket No. ER01-1669-000]

Take notice that on March 30, 2001, the California Independent System Operator Corporation (ISO), tendered for filing a Meter Service Agreement for Scheduling Coordinators between the ISO and Commonwealth Energy Corporation for acceptance by the Commission.

The ISO states that this filing has been served on Commonwealth Energy Corporation and the California Public Utilities Commission.

The ISO is requesting waiver of the 60-day notice requirement to allow the Meter Service Agreement to be made effective as of March 26, 2001.

*Comment date:* April 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

### **40. California Independent System Operator Corporation**

[Docket No. ER01-1670-000]

Take notice that on March 30, 2001, the California Independent System Operator Corporation (ISO), tendered for filing a Scheduling Coordinator Agreement between the ISO and Commonwealth Energy Corporation for acceptance by the Commission.

The ISO states that this filing has been served on Commonwealth Energy Corporation and the California Public Utilities Commission.

The ISO is requesting waiver of the 60-day notice requirement to allow the Scheduling Coordinator Agreement to be made effective as of March 26, 2001.

*Comment date:* April 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

### **41. PJM Interconnection, L.L.C.**

[Docket No. ER01-1671-000]

Take notice that on March 30, 2001, PJM Interconnection, L.L.C. (PJM), tendered for filing amendments to the PJM Open Access Transmission Tariff and the Amended and Restated PJM Operating Agreement to add the PJM 2001-2002 Load Response Pilot Program to facilitate load reductions

during peak periods. Copies of this filing were served upon all PJM members and each state electric utility regulatory commission in the PJM control area.

PJM requests an effective date of June 1, 2001 for the amendments.

*Comment date:* April 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

### **42. Carolina Power & Light Company**

[Docket No. ER01-1672-000]

Take notice that on March 30, 2001, Carolina Power & Light Company (CP&L) tendered for filing amended a Power Supply Agreement dated November 2, 1998 between North Carolina Electric Membership Corporation (NCEMC) and CP&L, Rate Schedule FERC No. 134 (the PSA). The amendment to the PSA includes a revenue neutral change to the capacity rate and billing determinant for SOR B service during calendar year 2001. The amendment also includes a modification to the assignment provision in Section 15.5 of the PSA. CP&L respectfully requests waiver of the Commission's notice of filing requirements to allow the amendment to become effective on January 1, 2001.

Copies of the filing were served upon NCEMC, the North Carolina Utilities Commission and the South Carolina Public Service Commission.

*Comment date:* April 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

### **43. Delmarva Power & Light Company**

[Docket No. ER01-1673-000]

Take notice that on March 30, 2001, Delmarva Power & Light Company (Delmarva) tendered for filing a Notice of Termination of its Rate Schedule FERC No. 110 with the Town of Berlin, Maryland (Berlin), effective May 31, 2001.

Delmarva has served this filing upon the Town of Berlin and its counsel, Conectiv (which is Delmarva's corporate parent), the Maryland Public Service Commission and the Delaware Public Service Commission.

*Comment date:* April 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

### **44. Southern California Edison Company**

[Docket No. ER01-1674-000]

Take notice that on March 30, 2001, Southern California Edison Company (SCE) tendered for filing the Second Amended and Restated SCE-IID Mirage 230 kV Interconnection Agreement (Agreement) between SCE and Imperial

Irrigation District (IID), which provides for the terms to reconfigure the Mirage-Coachella 230 kV transmission line by routing the line into a new IID owned substation.

SCE requests that the Agreement become effective on June 1, 2001.

Copies of this filing were served upon the Public Utilities Commission of the State of California and IID.

*Comment date:* April 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

### **45. Entergy Solutions Supply Ltd.**

[Docket No. ER01-1675-000]

Take notice that on March 30, 2001, Entergy Solutions Supply Ltd. tendered for filing an application for authorization to sell power at market-based rates. Copies of this filing have been served on the Arkansas Public Service Commission, Mississippi Public Service Commission, Louisiana Public Service Commission, Texas Public Utility Commission, and the Council of the City of New Orleans.

*Comment date:* April 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

### **46. FPL Energy MH50, L.P.**

[Docket No. ER01-1676-000]

Take notice that on March 30, 2001, FPL Energy MH50, L.P. (MH50) tendered for filing, under section 205 of the Federal Power Act, a rate schedule for reactive support services provided to the Pennsylvania-New Jersey-Maryland Interconnection (PJM) transmission grid. MH50 requests an effective date for the proposed rate schedule of April 1, 2001. MH50 states that a copy of this filing has been mailed to PJM.

*Comment date:* April 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

### **47. Public Service Company of New Mexico**

[Docket No. ER01-1677-000]

Take notice that on March 30, 2001, Public Service Company of New Mexico (PNM) tendered for filing a completely revised version of PNM's Open Access Transmission Tariff (OATT) to: (1) incorporate a new Attachment J—Generator Interconnection Procedures, a new Attachment J-1—Request for Interconnection of Generation With The PNM Transmission System, and a new Attachment K—Index of Interconnection Service Customers; and (2) conform its OATT to FERC Order No. 614 "Identification and Numbering" requirements. PNM's filing is available for public inspection at its offices in Albuquerque, New Mexico.

Copies of the filing have been sent to all PNM Tariff customers, all entities that have pending interconnection requests with PNM and the New Mexico Public Regulation Commission

*Comment date:* April 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

#### **48. The Connecticut Light and Power Company**

[Docket No. ER01-1678-000]

Take notice that on March 30, 2001, The Connecticut Light and Power Company tendered for filing, pursuant to section 35.15, 18 CFR 35.15 of the Commission's regulations, a notice of termination of the Rate Schedule FERC No. CL&P 558 and supplements thereto, filed with the Commission by The Connecticut Light and Power Company and accepted for filing on November 9, 1992. The Connecticut Light and Power Company requests that the termination of the rate schedule be made effective the 1st day of April, 2001.

Connecticut Light and Power states that a copy of this filing has been mailed to the Town of Wallingford Department of Public Utilities, the sole customer served under this rate schedule, and the Connecticut Department of Public Utility Control.

*Comment date:* April 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

#### **49. Ameren Energy Generating Company and Ameren Energy Marketing Company**

[Docket Nos. ER01-1679-000 ER01-1680-000]

Take notice that on March 30, 2001, Ameren Energy Generating Company and Ameren Energy Marketing Company (collectively, Applicants) tendered for filing amendments to two existing power supply agreements to allow sales of certain ancillary services at cost-based rates and to make other clarifying changes. Applicants seek an effective date of April 1, 2001, for the amendments.

Copies of this filing were served on the affected state utility commissions.

*Comment date:* April 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

#### **50. Cincinnati Gas & Electric Company**

[Docket No. ER01-1681-000]

Take notice that on March 30, 2001, Cincinnati Gas & Electric Company (CG&E) tendered for filing an application for application for reclassification of its transmission and distribution facilities as required by the Ohio Public Utilities Commission. In

accordance with the seven-factor test established by the Commission in Order No. 888, CG&E proposes to designate all of its directly-owned Ohio facilities operated at 69 kV and above as FERC-jurisdictional transmission facilities and to designate all of its remaining Ohio facilities as state-jurisdictional distribution facilities.

The sole purpose of this application is to facilitate unbundled retail transmission in the state of Ohio. CG&E does not seek in this application to adjust its service rates.

*Comment date:* April 20, 2001, in accordance with Standard Paragraph E at the end of this notice.

#### **Standard Paragraph**

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance). Comments, protests, and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at <http://www.ferc.fed.us/efi/doorbell.htm>.

**David P. Boergers,**

*Secretary.*

[FR Doc. 01-8855 Filed 4-10-01; 8:45 am]

**BILLING CODE 6717-01-P**

## **DEPARTMENT OF ENERGY**

### **Federal Energy Regulatory Commission**

[Docket Nos. CP00-40-000, -001, and -002]

#### **Florida Gas Transmission Company; Notice of Availability of the Draft Environmental Impact Statement for the Proposed FGT Phase V Expansion Project**

April 5, 2001.

The staff of the Federal Energy Regulatory Commission (FERC or Commission) has prepared a draft environmental impact statement (EIS) to assess the environmental impact associated with the construction of facilities proposed by Florida Gas Transmission Company (FGT) and referred to in this draft EIS as the FGT Phase V Expansion Project in the above-referenced docket. The application, the draft EIS and other supplemental filings in this docket are available for viewing on the FERC Internet website ([www.ferc.fed.us](http://www.ferc.fed.us)). Click on the "RIMS" link, select "Docket #" from the RIMS menu, and follow the instructions.

The draft EIS was prepared to satisfy the requirements of the National Environmental Policy Act (NEPA). The staff concludes that approval of the FGT Phase V Expansion Project, with appropriate mitigating measures as recommended, would have limited adverse environmental impact. The draft EIS evaluates alternatives to the proposal, including system alternatives, route alternatives, and route variations.

The draft EIS assesses the potential environmental effects of the construction and operation of the proposed facilities in Mississippi, Alabama, and Florida.

The purpose of the FGT Phase V Expansion Project is to transport up to 112,487 million cubic feet (MMcf) per day of natural gas on an annual basis to seven electric generation customers and others in Florida. Three of these customers, representing 94 percent of proposed transportation capacity, are in the process of developing and constructing additional gas-fired electric generating capacity to serve the growing market for electricity in Florida. FGT estimates the total cost of its Phase V Expansion Project at \$452 million.

FGT proposes to construct and operate an interstate natural gas pipeline and associated aboveground facilities under section 7(c) of the Natural Gas Act (NGA) and Title 18, CFR, Part 157. FGT proposes to expand its existing 5,225-mile-long natural gas pipeline transmission system by the

construction of approximately 167.1 miles of pipeline loops and laterals, 132,615 horsepower (hp) of additional compression at nine existing and three new compressor stations, and other associated auxiliary facilities in various locations in Mississippi, Alabama, and Florida.

In addition, FGT proposes to acquire from Koch Gateway Pipeline Company (KGPC) an interest in KGPC's Mobile Bay Lateral that would give FGT the rights to about 50 percent of the available capacity on that system. Concurrent with FGT's filing, KGPC filed an application in Docket No. CP00-39-000 for approval to abandon by sale to FGT the interest in its Mobile Bay Lateral. However, the environmental analysis of this action qualifies as a categorical exclusion and is not included in the EIS.

#### Comment Procedures and Public Meetings

Any person wishing to comment on the draft EIS may do so. Please carefully follow these instructions to ensure that your comments are received in time and properly recorded:

- Send original and two copies of your comments to: David Boergers, Secretary, Federal Energy Regulatory Commission, 888 First St., NE., Room 1A, Washington, DC 20426;
- Reference Docket No. CP00-40-000; and
- Comments must be received in Washington, DC on or before May 29, 2001.

You may mail your comments or file them electronically via the Internet (in lieu of paper). See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at <http://www.ferc.fed.us/efi/doorbell.htm> under the link to the User's Guide. Before you can file comments you will need to create an account which can be created by clicking on "Login to File" and then "New User Account."

In addition to accepting written and electronically filed comments, four public meetings to receive comments on this draft EIS will be held at the following times and locations.

Date	Location
Monday, May 7, 2001.	University of Mobile, Moorer Auditorium, Thomas T. Martin Fine Arts Building, Main Campus, College Parkway, Prichard, AL 36663-0220
Tuesday, May 8, 2001.	Holiday Inn, Panama City, 2001 North Cove Blvd., Panama City, FL 32405

Date	Location
Wednesday, May 9, 2001.	Radisson—Hotel Tampa at Sabal Park, 10221 Princess Palm Avenue, Tampa, FL 33610
Thursday, May 10, 2001.	Seminole County Commission Chambers, 1101 East First Street, Sanford, FL 32771

Interested groups and individuals are encouraged to attend and present oral comments on the environmental impacts described in the draft EIS. Transcript of the meetings will be prepared.

After these comments are reviewed, any significant new issues are investigated, and modifications are made to the draft EIS, a final EIS will be published and distributed by the staff. The final EIS will contain the staff's responses to timely comments received on the draft EIS.

Comments will be considered by the Commission but will not serve to make the commentor a party to the proceeding. Any person may file a motion to intervene on the basis of the Commission Staff's draft EIS (see Title 18 Code of Federal Regulations, Parts 380.106 and 385.214). You do not need intervenor status to have your comments considered.

All intervenors, agencies, elected officials, local governments, special interest groups, libraries, media, and anyone providing written comments on the draft EIS will receive a copy of the final EIS. If you did not wish to comment on the draft EIS but wish to receive a copy of the final EIS, you must write to the Secretary of the Commission indicating this request.

The draft EIS has been placed in the public files of the FERC and is available for public inspection at: Federal Energy Regulatory Commission, Public Reference and Files Maintenance Branch, 888 First Street, NE., Room 2A, Washington, DC 20426, (202) 208-1371.

A limited number of copies are available from the Public Reference and Files Maintenance Branch identified above. In addition, the draft EIS has been mailed to Federal, state, and local agencies; public interest groups; individuals, and affected landowners who requested a copy of the draft EIS; libraries; newspapers; and parties to this proceeding. As previously mentioned, the document is also available for viewing on the FERC website at [www.ferc.fed.us](http://www.ferc.fed.us), using the "RIMS" link to information in this docket number. For assistance with access to RIMS, the RIMS helpline can be reached at (202) 208-2222.

Additional information about the proposed project is available from the Commission's Office of External Affairs, at (202) 208-1088 or on the FERC website described in the preceding paragraph. Access to the texts of formal documents issued by the Commission with regard to this docket, such as orders and notices, is also available on the FERC website using the "CIPS" link. For assistance with access to CIPS, the CIPS helpline can be reached at (202) 208-2474.

David P. Boergers,  
Secretary.

[FR Doc. 01-8856 Filed 4-10-01; 8:45 am]

BILLING CODE 6717-01-M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Notice of Application to Amend License and Soliciting Comments, Motions to Intervene, and Protests

April 5, 2001.

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection:

- Application Type:* Non-capacity amendment of license.
- Project No.:* 1881-034.
- Date Filed:* March 30, 2001.
- Applicant:* PPL Holtwood LLC.
- Name of Project:* Holtwood.
- Location:* The project is located on the Conestoga Creek in Lancaster County, Pennsylvania. The project does not occupy any Federal or tribal lands.
- Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)-825(r).
- Applicant Contact:* Sandra E. Rizzo, Esq., Preston Gates Ellis & Rouvelas Meeds LLP, 1735 New York, NW, Suite 500, Washington, DC 20006.
- FERC Contact:* Steve Naugle, [steven.naugle@ferc.fed.us](mailto:steven.naugle@ferc.fed.us), 202-219-2805.

j. *Deadline for filing comments and or motions:* 30 days from the issuance date of this notice. All documents (original and eight copies) should be filed with Mr. David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Comments, protests and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at <http://www.ferc.fed.us/efi/doorbell.htm>. Please reference the following number, P-1881-034, on any comments or motions filed.

k. *Description of the Application:* The applicant requests Commission approval of amendments to: (1) the project boundary, as shown on Exhibit K of the project license, to remove approximately 91 acres of land from the project; and (2) the project recreation plan, as shown on Exhibit R of the project license, to remove the same 91-acre parcel from the plan. The applicant intends to sell the land to the Boys and Girls Club of Lancaster County for continued use as a private camp.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling 202-208-1371. The application may be viewed on-line at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance). A copy is also available for inspection and reproduction at the address in item h above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene*—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title "COMMENTS", "RECOMMENDATIONS FOR TERMS AND CONDITIONS", "PROTEST", OR "MOTION TO INTERVENE", as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Mail Stop PJ-12.1, Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

p. *Agency Comments*—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

David P. Boergers,  
Secretary.

[FR Doc. 01-8858 Filed 4-10-01; 8:45 am]

BILLING CODE 6717-01-M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Notice of Applications To Amend Licenses and Soliciting Comments, Motions To Intervene, and Protests

April 5, 2001.

Take notice that the following hydroelectric applications have been filed with the Commission and are available for public inspection:

a. *Type of Applications:* Non-capacity amendments to licenses.

b. *Project Nos.:* 5461-047 and 2385-004.

c. *Dates Filed:* March 28, 2001 (P-5461-047); April 4, 2001 (P-2385-004).

d. *Applicants:* South Glens Falls Limited Partnership and Niagara Mohawk Power Corporation (P-5461); Finch, Pruyn & Company, Inc. (P-2385).

e. *Name of Projects:* South Glens Falls (P-5461); Glens Falls (P-2385).

f. *Locations:* The projects are located on the Hudson River in Saratoga and Warren Counties, New York. The projects do not occupy any Federal or tribal lands.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)-825(r).

h. *Applicant Contacts:* (P-5461) Daniel J. McCarty, Manager-Hydro Operations, Adirondack Hydro Development Corporation, 39 Hudson Falls Road, South Glens Falls, NY 12803; (P-2385) Gregory M. Smotzer, Finch, Pruyn & Company, Inc., 1 Glen Street, Glens Falls, NY 12801.

i. *FERC Contact:* Steve Naugle, [steven.naugle@ferc.fed.us](mailto:steven.naugle@ferc.fed.us), 202-219-2805.

j. *Deadline for filing comments and or motions:* 14 days from the issuance date of this notice. All documents (original and eight copies) should be filed with Mr. David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC

20426. Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at <http://www.ferc.fed.us/efi/doorbell.htm>. Please reference the following project numbers on any comments or motions filed: P-5461-047 and P-2385-004.

k. *Description of the Applications:* The applications are requests for amendments to the licenses for the South Glens Falls and Glens Falls Projects to provide temporary relief from certain license requirements during the replacement of the Route 9 Bridge over the Hudson River by the New York Department of Transportation. The bridge replacement project is expected to start on May 1, 2001 and end on June 4, 2004.

The requested license amendments for the South Glens Falls Project include temporary closure of the project's recreation facilities, the temporary covering of two public safety signs, and the temporary suspension of the requirement to operate the dam crest gate adjacent to the project intake first during high flows if necessary due to construction activities. The requested license amendments for the Glens Falls Project include temporary closure of the project's recreation facilities and temporary removal and storage of signs in and around the project's public viewing area and picnic overlook. The Glens Falls application also identifies certain measures under consideration in the project's pending relicensing proceeding that may need similar temporary relief if the measures are required in any new license issued for the project.

l. *Locations of the Applications:* Copies of the applications are available for inspection and reproduction at the Commission's Public Reference Room, at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling 202-208-1371. The applications may be viewed on-line at <http://www.ferc.fed.us/online/rims.htm> (call 202-208-2222 for assistance). A copy is also available for inspection and reproduction at the addresses in item h above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene*—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must

be received on or before the specified comment date for the particular application.

o. *Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title “COMMENTS”, “RECOMMENDATIONS FOR TERMS AND CONDITIONS”, “PROTEST”, OR “MOTION TO INTERVENE”, as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission’s regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street NE., Mail Stop PJ-12.1, Washington, DC 20426. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

p. *Agency Comments*—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency’s comments must also be sent to the Applicant’s representatives.

David P. Boergers,  
Secretary.

[FR Doc. 01-8863 Filed 4-10-01; 8:45 am]

BILLING CODE 6717-01-M

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Notice of Declaration of Intention and Soliciting Comments, Motions To Intervene, and Protests

April 5, 2001.

Take notice that the following application has been filed with the Commission and is available for public inspection:

a. *Application Type*: Declaration of Intention.

b. *Docket No*: DI01-7-000.

c. *Date Filed*: March 27, 2001.

d. *Applicant*: Northern Illinois Hydropower.

e. *Name of Project*: Starved Rock Hydropower Plant.

f. *Location*: On the Illinois Waterway at the U.S. Army Corps of Engineer’s Starved Rock Lock and Dam, southeast of North Utica in LaSalle County, Illinois.

g. *Filed Pursuant to*: Section 23(b)(1) of the Federal Power Act, 16 U.S.C. 817(b).

h. *Applicant Contact*: Dennis Cohil, 801 Oakland Avenue, Joliet, IL 60435, telephone (815) 723-6314, FAX (815) 725-5687, E-Mail [damonzdunich@aol.com](mailto:damonzdunich@aol.com).

i. *FERC Contact*: Any questions on this notice should be addressed to Patricia W. Gillis (202) 208-0735, or E-mail address: [patricia.gillis@ferc.fed.us](mailto:patricia.gillis@ferc.fed.us).

j. *Deadline for filing comments and/or motions*: 30 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. Any questions, please contact the Secretary’s office. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission’s web site at <http://www.ferc.fed.us/efi/doorbell.htm>

Please include the docket number (DI01-7-000) on any comments or motions filed.

k. *Description of Project*: The proposed project would consist of: (1) a powerhouse located below the U.S. Army Corps of Engineer’s existing Starved Rock Lock and Dam, tentatively containing five generating units with a total installed capacity of 15.0MW, and (2) appurtenant facilities.

When a Notice of Declaration of Intention is filed with the Federal Energy Regulatory Commission, the Federal Power Act requires the Commission to investigate and determine if the interests of interstate or foreign commerce would be affected by the project. The Commission also determines whether or not the project: (1) Would be located on a navigable waterway; (2) would occupy or affect public lands or reservations of the United States; (3) would utilize surplus water or water power from a government dam; or (4) if applicable, has involved or would involve any construction subsequent to 1935 that may have increased or would increase the project’s head or generating capacity, or have otherwise significantly modified the project’s pre-1935 design or operation.

l. *Locations of the Application*: A copy of the application is available for inspection and reproduction at the Commission’s Public Reference Room located at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling (202) 208-1371. This filing may be viewed on <http://www.ferc.fed.us/online/rims.htm> (call (202) 208-2222 for

assistance). A copy is also available for inspection and reproduction at the address in item h. above.

m. Individuals desiring to be included on the Commission’s mailing list should so indicate by writing to the Secretary of the Commission.

n. *Protests or Motions to Intervene*—Anyone may submit a protest or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, and 385.214. In determining the appropriate action to take, the Commission will consider all protests filed, but only those who file a motion to intervene in accordance with the Commission’s Rules may become a party to the proceeding. Any protests or motions to intervene must be received on or before the specified deadline date for the particular application.

o. *Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title “COMMENTS”, “RECOMMENDATIONS FOR TERMS AND CONDITIONS”, “PROTEST”, OR “MOTION TO INTERVENE”, as applicable, and the Project Number of the particular application to which the filing refers. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

p. *Agency Comments*—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency’s comments must also be sent to the Applicant’s representatives.

David P. Boergers,  
Secretary.

[FR Doc. 01-8857 Filed 4-10-01; 8:45 am]

BILLING CODE 6717-01-M

## DEPARTMENT OF ENERGY

### Southwestern Power Administration

#### Integrated System Power Rate Schedules

AGENCY: Southwestern Power Administration, DOE

ACTION: Notice of rate order.

SUMMARY: The Secretary of Department of Energy has approved and placed into effect on an interim basis Rate Order No. SWPA-44, which provides the Integrated System Rate Schedules P-98D, Wholesale Rates for Hydro Peaking

Power and Rate Schedule NFTS-98D, Wholesale Rate for Non-Federal Transmission/Interconnection.

**FOR FURTHER INFORMATION CONTACT:** Mr. Forrest E. Reeves, Assistant Administrator, Office of Corporate Operations, Southwestern Power Administration, Department of Energy, P.O. Box 1619, Tulsa, OK 74101, (918) 595-6696, [reeves@swpa.gov](mailto:reeves@swpa.gov).

**SUPPLEMENTARY INFORMATION:** In May 2000, Southwestern Power Administration (Southwestern) completed its annual review of the adequacy of the current rate schedules for the Integrated System and finalized its FY 2000 Power Repayment (PRS). The FY 2000 Power Repayment for the Integrated System indicates that rates prescribed by Rate Schedules P-98C, Wholesale Rates for Hydro Peaking Power, and NFTS-98C, Wholesale Rates for Non-Federal Transmission Service, are sufficient to meet repayment criteria. However, certain aspects of the terms and conditions set forth in the rate schedules need to be revised. Southwestern proposes to: (1) Revise the Limitations for Energy Imbalance Service provision to better clarify the hours and circumstances in which energy within the authorized bandwidth is to be returned to Southwestern, (2) to change the Power Factor Penalty to charge on an hourly basis to more accurately reflect the actual taking of reactive kilovolt amperes (VARs) from the system of Southwestern, (3) to add a new provision to provide for an Interconnection Facilities Service Charge to recover costs incurred for the use of Southwestern's transmission system, and (4) to make modifications to enhance clarity within the rate schedules. The net results of the 1997 Integrated System Power Repayment Studies, which was the basis for the existing rate schedules, will not be altered. The designations of the aforementioned rate schedules have been changed from P-98C and NFTS-98C to P-98D and NFTS-98D, respectively, to reflect the fact that revisions have been made.

Title 10, Part 903 Subpart A, of the Code of Federal Regulations, "Procedures for Public Participation in Power and Transmission Rate Adjustments and Extensions" (Part 903) have been followed in connection with the proposed revisions to the rate schedules. An opportunity for customers and other interested members of the public to review and comment on the proposed Rate Schedules P-98D and NFTS-98D was announced by notice published in the **Federal Register** (66 FR 9316), February 7, 2001, with written

comments due on or before March 9, 2001. In addition, Southwestern held informal meetings with numerous customers in which proposed changes were discussed. No written comments were received.

Information regarding these rate schedule changes, including revised schedules and other supporting material, is available for public review and comment in the offices of Southwestern Power Administration, Suite 1400, One West Third Street, Tulsa, Oklahoma 74103.

#### Order

In view of the foregoing and under the authority vested in me as the Secretary of Energy, I hereby confirm and approve Rate Order No. SWPA-44 on an interim basis, through September 30, 2001, or until confirmed and approved on a final basis by the Federal Energy Regulatory Commission.

Dated: April 3, 2001.

**Spencer Abraham,**  
*Secretary.*

#### Department of Energy, Secretary of Energy

[Rate Order No. SWPA-44]

In the matter of: Southwestern Power Administration Integrated System Rates; Order Confirming, Approving and Placing Revised Power Rate Schedules In Effect on an Interim Basis

Pursuant to sections 301(b) and 302(a) of the Department of Energy Organization Act, Public Law 95-91, the functions of the Secretary of the Interior and the Federal Power Commission under section 5 of the Flood Control Act of 1944, 16 U.S.C. 825s, for the Southwestern Power Administration (Southwestern) were transferred to and vested in the Secretary of Energy. By Delegation Order No. 0204-108, effective December 14, 1983, 48 FR 55664, the Secretary of Energy delegated to the Deputy Secretary of Energy on a non-exclusive basis the authority to confirm, approve and place into effect on an interim basis power and transmission rates, and delegated to the Federal Energy Regulatory Commission (FERC) on an exclusive basis the authority to confirm, approve and place in effect on a final basis, or to disapprove power and transmission rates. Amendment No. 1 to Delegation Order No. 0204-108, effective May 30, 1986, 51 FR 19744, revised the delegation of authority to confirm, approve and place into effect on an interim basis power and transmission rates by delegating such authority to the Under Secretary of Energy. This delegation was reassigned to the Deputy

Secretary of Energy by Department of Energy (DOE) Notice 1110.29, dated October 27, 1988, and clarified by Secretary of Energy Notice SEN-10-89, dated August 3, 1989, and subsequent revisions. By Amendment No. 2 to Delegation Order No. 0204-108, effective August 23, 1991, 56 FR 41835, the Secretary of the Department of Energy delegated to the Assistant Secretary, Conservation and Renewable Energy, the authority which was previously delegated to the Deputy Secretary in that Delegation Order. By Amendment No. 3 to Delegation Order No. 0204-108, effective November 10, 1993, the Secretary of Energy re-delegated to the Deputy Secretary of Energy, the authority to confirm, approve and place into effect on an interim basis power and transmission rates of the Power Marketing Administrations. By notice, dated April 15, 1999, the Secretary of Energy rescinded the authority of the Deputy Secretary of Energy under Delegation Order No. 0204-108. By Delegation Order No. 0204-172, effective November 11, 1999, the Secretary of Energy again provided interim rate approval authority to the Deputy Secretary of Energy. Because there is no Deputy Secretary at the present time, the Secretary of Energy has exercised his authority to confirm, approve, and place into effect on an interim basis the rates in Southwestern Rate Order No. SWPA-44.

#### Background

In May 2000, Southwestern Power Administration (Southwestern) completed its annual review of the adequacy of the current rate schedules for the Integrated System and finalized its FY 2000 Power Repayment Studies (PRS). The FY 2000 Power Repayment Studies for the Integrated System indicates that rates prescribed by rate schedules P-98C, Wholesale Rates for Hydro Peaking Power, and NFTS-98C, Wholesale Rates for Non-Federal Transmission Service, are sufficient to meet repayment criteria. However, certain aspects of the terms and conditions set forth in the rate schedules need to be revised. Southwestern proposes to: (1) Revise the Limitations for Energy Imbalance Service provision to better clarify the hours and circumstances in which energy within the authorized bandwidth is to be returned to Southwestern, (2) to change the Power Factor Penalty to charge on an hourly basis to more accurately reflect the actual taking reactive kilovolt amperes (VARs) from the system of Southwestern, (3) to add a new provision to provide for an

Interconnection Facilities Service Charge to recover costs incurred for the use of Southwestern's transmission system, and (4) to make modifications to enhance clarity within the rate schedules. The net results of the 1997 Integrated System Power Repayment Studies, which was the basis for the existing rate schedules, will not be altered. The designations of the aforementioned rate schedules have been changed from P-98C and NFTS-98C to P-98D and NFTS-98D, respectively, to reflect the fact that revisions have been made.

Title 10, Part 903 Subpart A, of the Code of Federal Regulations, "Procedures for Public Participation in Power and Transmission Rate Adjustments and Extensions" (Part 903) have been followed in connection with the proposed revisions to the rate schedules. An opportunity for customers and other interested members of the public to review and comment on the proposed Rate Schedules P-98D and NFTS-98D was announced by notice published in the **Federal Register** (66 FR 9316), February 7, 2001, with written comments due on or before March 9, 2001. In addition, Southwestern held informal meetings with numerous customers in which proposed changes were discussed. No written comments were received.

### Discussion

Rate Schedule P-98D applies to wholesale customers purchasing Federal Hydro Peaking Power and Peaking Energy from the Integrated System. Rate Schedule NFTA-98D applies to wholesale customers purchasing Non-Federal Point-to-Point and Network Integration Transmission Service. Provisions in the rate schedules are being revised to reflect minor corrections and modifications for the purpose of clarification and to address specific issues that have arisen relative to industry restructuring since the last rate schedule approval. Southwestern has clarified the Energy Imbalance Service provision to specify the hours and circumstances in which energy within the authorized bandwidth is to be returned to the providing party, and has revised the Power Factor Penalty to charge on an hourly basis to more accurately reflect the actual taking of reactive kilovolt amperes (VARS) from the system of Southwestern. In addition, Southwestern is adding a new provision for an Interconnection Facilities Service Charge. This charge will be applicable to interconnection requests for which Southwestern does not otherwise receive benefits or compensation for the use of Federal facilities. At this time,

Southwestern does not anticipate any substantive change in revenues as a result of these changes which would impact revenue requirements. Southwestern does not forecast for penalties and currently has no contractual arrangements to which the Interconnection Facilities Service Charge would be applied.

Southwestern has revised language in the NFTA-98D rate schedule under the provision for Limitations for Energy Imbalance Service to clarify the hours and conditions in which the use of energy within the authorized bandwidth is to be returned to Southwestern. Energy within the authorized bandwidth for this service is accounted for as an inadvertent flow. The current language specifies that the energy is to be returned "in like hours and similar circumstances." The lack of clarification of this language has provided an opportunity for transmission customers to use the bandwidth during high-value on-peak demand periods and to return the energy during low-value off-peak demand times. The hours and circumstances in which energy is returned become very important, particularly during summer peak periods when the value of energy is high and the capability of Southwestern to provide such energy from its during those times is typically low. The revised provision provides for a separate inadvertent monthly accumulation for each hour. Each month, any hourly month-end balance that exceeds 12 MWHs will be subject to a penalty. It is anticipated that this process will allow for the use of the authorized bandwidth and yet provide for a method to return the energy within the bandwidth in like hours and within a reasonable time frame.

Southwestern has revised the Power Factor Penalty provision in both the P-98D and NFTA-98D rate schedules to charge for all Demand Periods (the 60-minute period which begins with the change of hour) of a month which contribute to a power factor of less than 95 percent lagging. Currently, this penalty is based on the customer's peak demand in kilowatts at the point of delivery for the month in which a low power factor was calculated. This change will allow Southwestern to better align the penalty with the reactive kilovolt amperes (VARS) taken from the system of Southwestern. This penalty will provide an incentive for customers to look for the cause of their low power factor and take necessary actions to correct the problem.

Southwestern has added a new provision, Interconnection Facilities Service Charge, to the NFTA-98D to

provide compensation to Southwestern for the use of the Federal transmission system for those interconnections that do not provide any other compensating benefit. Historically, Southwestern has secured compensating benefits for the use of its facilities to provide an interconnection on its transmission system. The electric industry's transitioning toward a regionally-operated transmission grid, the uncertainty that surrounds many of the impacts on Southwestern, and the need for a mechanism to recover the cost for the use of the System of Southwestern wherein the Federal government receives no compensating benefit, have contributed to the need to establish a charge for interconnections. Pursuant to the Flood Control Act of 1944, Southwestern must recover its costs for the use of its system.

### Comments and Responses

Southwestern has received no formal written comments regarding these Rate Schedule changes.

### Other Issues

There were no other issues raised during the informal meetings or during the formal public participation period. However, during the public participation period, Southwestern re-examined the penalty language included in the Power Factor Penalty provision of the **Federal Register** (26 FR 9316) proposal, dated February 7, 2001, and its applicability based on data that has since become available. Southwestern determined that the formula was too complex and appeared to create a penalty that was unreasonably high. Based on this analysis, Southwestern also determined that the penalty could be simplified by making it similar to the original language, while revising the formula to charge on an hourly Demand basis when the power factor was below 95 percent lagging. This revised formula will still allow Southwestern to better align the penalty with the VARS taken from the System of Southwestern and provide an incentive for customers to look for the cause of their low power factor and take necessary actions to provide an appropriate power factor on their own transmission systems.

### Administrator's Certification

The revised rate schedules will repay all costs of the Integrated System including amortization of the power investment consistent with the provisions of Department of Energy Order No. RA 6120.2. In accordance with Section 1 of Delegation Order No. 0204-108, as amended November 10, 1993, 58 FR 59717, and Section 5 of the



Flood Control Act of 1944, the Administrator has determined that the proposed Integrated System Rate Schedules are consistent with applicable law and the lowest possible rates consistent with sound business principles.

#### Environment

No additional evaluation of the environmental impact of the proposed rate schedule changes was conducted since no change has been made to the currently-approved Integrated System rates which were determined to fall within the class of actions that are categorically excluded from the requirements of preparing either an Environmental Impact Statement or an Environmental Assessment pursuant to the procedural provisions of the National Environmental Policy Act, 10 CFR 1021.

#### Order

In view of the foregoing and under the authority vested in me as the Secretary of Energy, I hereby confirm, approve and place in effect on an interim basis, effective April 1, 2001, the Southwestern Integrated System Rate Schedules P-98D and NPTS-98D, which shall remain in effect on an interim basis through September 30, 2001, or until the FERC confirms and approves the rates on a final basis.

Dated: April 3, 2001.

**Spencer Abraham,**  
Secretary.

[FR Doc. 01-8900 Filed 4-10-01; 8:45 am]

BILLING CODE 6450-01-P

#### FEDERAL COMMUNICATIONS COMMISSION

[EB Docket No. 01-61; FCC 01-74]

#### Amateur Radio Station and General Class Operator License KC4HAZ and General Mobile Radio Service Station KAE1170

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice.

**SUMMARY:** This document by the Commission has taken the following actions: ordered a hearing to determine whether the station licenses held by Leslie D. Brewer for Amateur Radio Station and General Class Operator License KC4HAZ and General Mobile Radio Service Station KAE1170, Tampa, Florida, should be revoked; suspended Leslie D. Brewer's Amateur radio operator's license; and issued a notice of apparent liability for a forfeiture in the

amount of \$11,000 for Leslie D. Brewer's apparent willful and/or repeated operation of unlicensed FM radio facilities in Tampa, Florida. The Commission has determined that serious questions exist as to whether Leslie D. Brewer has willfully and repeatedly violated the Communications Act of 1934, as amended, and the Commission's rules, and the effect thereof on his basic qualifications to be and remain a Commission licensee.

**ADDRESSES:** Federal Communications Commission, Enforcement Bureau, 445 12th Street, SW., Washington, DC. 20554.

**FOR FURTHER INFORMATION CONTACT:** Roy Boyce or Dana Leavitt, Enforcement Bureau, Investigations and Hearings Division (202) 418-1420.

**SUPPLEMENTARY INFORMATION:** This is a summary of an Order to Show Cause, Notice of Order of Suspension, Notice of Opportunity for Hearing, and Notice of Apparent Liability for a Forfeiture ("Order") in EB Docket No. 01-61, adopted by the Commission on February 22, 2001, and released on March 5, 2001. The complete text of this Order is available for inspection and copying during normal business hours in the FCC Reference Information Center, Courtyard Level, 445 12th Street, SW., Washington, DC, and also may be purchased from the Commission's copy contractor, International Transcription Services, Inc., at 202-857-3800, CY-B400, 445 12th Street, SW., Washington, DC.

#### Summary of Order To Show Cause, Notice of Order of Suspension, Notice of Opportunity for Hearing, and Notice of Apparent Liability for a Forfeiture

1. The Commission has commenced a hearing proceeding to determine whether Leslie D. Brewer ("Brewer"), licensee of Amateur radio station and General Class Operator License KC4HAZ and General Mobile Radio Station KAE1170, Tampa, Florida, is qualified to be or remain a Commission licensee. The record before the Commission indicates that Brewer has apparently willfully and/or repeatedly engaged in unlawful Commission-related activities, including the operation of unlicensed (i.e., "pirate") FM radio broadcast facilities in the Tampa, Florida area and the marketing of unauthorized FM broadcast transmitting equipment. Pursuant to sections 312(a)(2), 312(a)(4), and 312(c) of the Communications Act of 1934, as amended ("the Act"), Leslie D. Brewer is ordered to show cause why the station licenses for Stations KC4HAZ and KAE1170 should not be revoked, at

a hearing proceeding before an Administrative Law Judge at a time and place to be specified in a subsequent Order, upon the following issues:

(a) To determine whether Leslie D. Brewer willfully and/or repeatedly violated section 301 of the Act by operating unlicensed broadcast facilities in 1996, 1997, 1999, and/or 2000, and, if so, the effect thereof on his basic qualifications to be and remain a Commission licensee.

(b) To determine whether Leslie D. Brewer willfully and/or repeatedly violated section 301 of the Act by operating an unlicensed Studio-to-Transmitter Link in 1999 and/or 2000, and, if so, the effect thereof on his basic qualifications to be and remain a Commission licensee.

(c) To determine whether Leslie D. Brewer willfully and/or repeatedly violated §§ 2.803(a)(1) and/or 15.201(b) of the Commission's rules by marketing and/or selling an unauthorized radio frequency device or devices and, if so, the effect thereof on his basic qualifications to be and remain a Commission licensee.

(d) To determine, in light of the evidence adduced pursuant to the foregoing issues, whether Leslie D. Brewer is qualified to be and remain a Commission licensee.

(e) To determine, in light of the evidence adduced pursuant to the foregoing issues, whether the licenses for KC4HAZ and KAE1170 should be revoked.

2. The Commission also ordered that it be determined, pursuant to section 503, whether an Order of Forfeiture in an amount not to exceed \$11,000 should be issued against Leslie D. Brewer for willfully and/or repeatedly violating section 301 of the Act on March 11, 2000.

3. Furthermore, the Commission ordered that, pursuant to section 303(m)(1)(A) of the Act and § 1.85 of the Commission's rules, Leslie D. Brewer's Amateur radio operator license is suspended for the duration of its term. The suspension shall take effect 15 calendar days after receipt by Brewer of the Order, unless, within such time, Brewer requests in writing a hearing on the matter of the suspension, in which instance, the suspension of operator license KC4HAZ shall be held in abeyance pending conclusion of the hearing. If Leslie D. Brewer timely requests in writing a hearing on the matter of suspension of his Amateur radio operator license, such hearing will be held in a consolidated proceeding to determine the issues in 1(a) through (d) above, and to determine whether Amateur radio operator license



KC4HAZ should be suspended for the remainder of its term.

4. The Commission ordered that, to avail himself of the opportunity to be heard and the right to present evidence at a hearing in these proceedings, Leslie D. Brewer, in person or by his attorney, shall file within 15 calendar days after receipt of the Order to Show Cause and Notice of Opportunity for Hearing, a written appearance stating that he will appear at the hearing and present evidence on matters specified in the Order. If Brewer fails to file a timely written notice of appearance, his right to a hearing on the matter of his Amateur radio station and GMRS licenses shall be deemed to be waived and the proceeding thereafter shall be conducted in accordance with § 1.92 of the Commission's rules

Federal Communications Commission.

**Magalie Roman Salas,**  
Secretary.

[FR Doc. 01-8844 Filed 4-10-01; 8:45 am]

BILLING CODE 6712-01-U

## FEDERAL COMMUNICATIONS COMMISSION

[CC Docket No. 92-237; DA 01-885]

### Next Meeting of the North American Numbering Council

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice.

**SUMMARY:** On April 6, 2001, the Commission released a public notice announcing the April 17 and 18, 2001, meeting and agenda of the North American Numbering Council (NANC). The intended effect of this action is to make the public aware of the NANC's next meeting and its agenda.

**FOR FURTHER INFORMATION CONTACT:** Deborah Blue, Special Assistant to the Designated Federal Officer (DFO) at (202) 418-2320 or [dblue@fcc.gov](mailto:dblue@fcc.gov). The address is: Network Services Division, Common Carrier Bureau, Federal Communications Commission, The Portals, 445 12th Street, SW., Suite 6A207, Washington, DC 20554. The fax number is: (202) 418-2345. The TTY number is: (202) 418-0484.

**SUPPLEMENTARY INFORMATION:** Released: April 6, 2001.

The North American Numbering Council (NANC) has scheduled a meeting to be held Tuesday, April 17, 2001, from 8:30 a.m. until 5:00 p.m., and on Wednesday, April 18, 2001, from 8:30 a.m., until 12 noon. The meeting will be held at the Federal Communications Commission, Portals

II, 445 12th Street, SW., Room TW-C305, Washington, DC.

**SUPPLEMENTARY INFORMATION:** This meeting is open to members of the general public. The FCC will attempt to accommodate as many participants as possible. The public may submit written statements to the NANC, which must be received two business days before the meeting. In addition, oral statements at the meeting by parties or entities not represented on the NANC will be permitted to the extent time permits. Such statements will be limited to five minutes in length by any one party or entity, and requests to make an oral statement must be received two business days before the meeting. Requests to make an oral statement or provide written comments to the NANC should be sent to Deborah Blue at the address under **FOR FURTHER INFORMATION CONTACT**, stated above.

### Proposed Agenda

1. Approval of the February 20-21, 2001 and March 20-21, 2001 meeting minutes
2. North American Numbering Plan Administrator (NANPA) Report
3. Report of NANPA Oversight Working Group
  - NANPA Performance Issues
  - NANPA Technical Requirements status
  - 2000 NANPA Performance Results
4. Report of Numbering Resource Optimization (NRO) Working Group
  - Continuing Review of NANP-Exhaust
  - State Pooling Trials
5. Industry Numbering Committee Report
  - Imminent Exhaust Update
6. Report of NANP Expansion/Optimization IMG
7. Report of the Local Number Portability Administration (LNPA) Working Group
  - Wireless Number Portability Subcommittee
8. Report of Cost Recovery Working Group
  - Finalize NBANC B&C Technical Requirements
9. Report from NBANC
10. Steering Group Meeting
  - Table of NANC Projects
11. Steering Group Report
12. Reseller CIC IMG Report
13. Oversight of LLCs NPAC
14. Action Items
15. Public participation (5 minutes each, if any)
16. Other Business

Federal Communications Commission.

**Diane Griffin Harmon,**

Acting Chief, Network Services Division,  
Common Carrier Bureau.

[FR Doc. 01-9038 Filed 4-10-01; 8:45 am]

BILLING CODE 6712-01-P

## FEDERAL COMMUNICATIONS COMMISSION

[DA 01-688]

### Expansion of Paging Contours Over Water on a Secondary Basis

**AGENCY:** Federal Communications Commission.

**ACTION:** Notice.

**SUMMARY:** In this document, the Federal Communications Commission ("the Commission") seeks comment on a Request for Rule Change filed by the Paging and Messaging Alliance of the Personal Communications Industry Association ("PCIA") to treat certain modifications to paging stations as minor modifications. Further, the Commission conditionally waives its rules governing the classification of filings as major or minor, in order to determine whether prior expansions of paging composite interference contours ("CICs") over water that licensees carried out on a permissive basis are in compliance with the rules, and to clear up any uncertainty about what procedures should apply to similar future expansions.

**DATES:** Submit comments on or before April 16, 2001, and reply comments not later than May 1, 2001.

**FOR FURTHER INFORMATION CONTACT:** Leon Jackler, Policy and Rules Branch, Commercial Wireless Division, Wireless Telecommunications Bureau, at (202) 418-0946.

**SUPPLEMENTARY INFORMATION:** This Public Notice ("Notice") in DA 01-688, released on March 15, 2001 is available for inspection and copying during normal business hours in the FCC Reference Center, 445 Twelfth Street, SW., Washington, DC. The complete text may be purchased from the Commission's copy contractor, International Transcription Service, Inc. 1231 20th Street, NW., Washington, DC 20036, (202) 857-3800. The document is also available via the Internet at [http://www.fcc.gov/Bureaus/Wireless/Public\\_Notices/2001/index.3html](http://www.fcc.gov/Bureaus/Wireless/Public_Notices/2001/index.3html) under filenames da010688.doc or da010688.txt.

**ADDRESSES:** Comments may be filed via the Commission's Electronic Comment Filing System (ECFS) via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. In

completing the transmittal screen, commenters should include their full name and Postal Service mailing address, and reference Public Notice DA No. 01-688. Parties may also submit electronic comments by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to: [ecfs@fcc.gov](mailto:ecfs@fcc.gov), including "get form <your e-mail address>" in the body of the message. A sample form and directions will be sent in reply.

Interested parties who choose to file by paper must file an original and four copies of their comments with the Office of the Secretary, Federal Communications Commission, 445 Twelfth St., SW., Room TW-A325, Washington, DC 20554.

In addition, parties should send: one paper copy to Leon Jackler, Room 4B-445, and one paper copy to Policy and Rules Branch, Room 4-A-207, Commercial Wireless Division, Wireless Telecommunications Bureau, Federal Communications Commission, 445 Twelfth Street, SW., Washington, DC 20554; one paper copy to the Public Reference Room, Federal Communications Commission, 445 Twelfth Street, SW., Washington, DC 20554; and one paper copy and one diskette copy to ITS, Room CYB-400, 445 Twelfth St., SW., Washington, DC 20554.

### Synopsis of the Public Notice

Pursuant to § 1.925 of the Commission's rules, the Wireless Telecommunications Bureau (Bureau) seeks comment on a Request for Rule Change filed by the Paging and Messaging Alliance of the Personal Communications Industry Association (PCIA). PCIA filed the request seeking amendment of § 1.929(c)(1) of the Commission's rules to treat certain modifications to paging stations as minor modifications. Specifically, PCIA requests that the Commission treat as minor modifications those expansions of paging composite interference contours (CICs) that occur solely (1) beyond the land border of the United States or (2) over large bodies of water (oceans, gulfs, sounds, bays, and the Great Lakes, but not rivers).

According to PCIA, the Commission's historical practice in the paging service has been to allow permissive extensions of CICs over water when processing applications. As a result, PCIA argues that a significant number of paging licensees have considered all extensions over water to be minor and have not filed major modification applications for such extensions. The filing of this Request for Rule Change was precipitated by an order released by the

Policy and Rules Branch of the Commercial Wireless Division wherein the Branch concluded that all increases of CICs, including extensions over water, should be treated as major filings under § 1.929(c)(1). See Karl A. Rinker, d/b/a Rinker's Communications, Request for Declaratory Ruling, 14 FCC Rcd. 19546 (WTB 1999). PCIA claimed in its request that the Rinker decision has caused uncertainty about whether prior expansions over water that licensees carried out on a permissive basis are in compliance with the rules, and about what procedures should apply to similar future expansions. We seek comment on PCIA's request.

While the PCIA request is pending, the Bureau believes there is good cause to waive the rules conditionally to permit paging contour extensions over water on an interim basis. Licensees providing service in coastal areas often need to relocate or adjust transmitting facilities in order to maintain and improve coverage. While these extensions do not involve expansion of composite contours over land, they may involve expansion of contours over water. Further, CIC expansions that take place solely over water should pose no risk of interference to other systems on land, and processing such modification applications would be a major burden on both licensees and the Bureau. The Bureau concludes that conditional waiver is appropriate to allow licensees to continue to maintain and upgrade their systems while the Commission considers PCIA's request.

We therefore conditionally waive § 1.929(c)(1) of the Commission's rules in order to consider permissive CIC extensions over water subject to the following conditions. First, all such extensions are on a secondary, non-interference basis, and must not cause interference to co-channel licensees. Second, we define "over water" for purposes of this waiver to mean into bodies of water that extend beyond county boundaries, i.e. including but not limited to oceans, the Gulf of Mexico, and the Great Lakes. Third, this waiver does not change our rules and policies regarding expansions over land.

Paging licensees that seek contour expansions over land, or expansions over water on a primary basis, must continue to seek prior Commission approval and request a waiver of the rules.

This matter shall be treated as a "permit but disclose" proceeding in accordance with the Commission's *ex parte* rules. 47 CFR 1.1200(a) and 1.1206. Persons making oral *ex parte* presentations are reminded that memoranda summarizing the

presentations must contain summaries of the substance of the presentations and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required. See 47 CFR 1.1206(b). Other rules pertaining to oral and written *ex parte* presentations in permit-but-disclose proceedings are set forth in § 1.1206(b) of the Commission's rules, 47 CFR 1.1206(b).

Federal Communications Commission.  
**Magalie Roman Salas,**  
*Secretary.*

[FR Doc. 01-8845 Filed 4-10-01; 8:45 am]

BILLING CODE 6712-01-P

## FEDERAL ELECTION COMMISSION

### Sunshine Act Meeting

**AGENCY:** Federal Election Commission

**DATE & TIME:** Tuesday, April 17, 2001 at 10:00 A.M.

**PLACE:** 999 E Street, NW., Washington, DC.

**STATUS:** This meeting will be closed to the public.

#### ITEMS TO BE DISCUSSED:

- Compliance matters pursuant to 2 U.S.C. 437g.
- Audits conducted pursuant to 2 U.S.C. 437g. 438(b), and Title 26, U.S.C.
- Matters concerning participation in civil actions or proceedings or arbitration.
- Internal personnel rules and procedures or matters affecting a particular employee.

**DATE & TIME:** Thursday, April 19, 2001 at 10:00 A.M.

**PLACE:** 999 E Street, NW., Washington, DC (ninth floor).

**STATUS:** This meeting will be open to the public.

#### ITEMS TO BE DISCUSSED:

- Correction and Approval of Minutes.
- Advisory Opinion 2001-04: Morgan Stanley Dean Witter & Co Political Action Committee by counsel, Kenneth A. Gross.
- Announcement of Effective Date for Rules on General Public Political Communications /Coordinated with Candidates and Party Committees and Independent Expenditures. (Tenative)
- Administrative Matters.

#### PERSON TO CONTACT FOR INFORMATION:

Mr. Ron Harris, Press Officer,  
Telephone: (202) 694-1220.

**Mary W. Dove,**  
*Acting Secretary of the Commission.*

[FR Doc. 01-9125 Filed 4-9-01; 3:26 pm]

BILLING CODE 6715-01-M

**FEDERAL MARITIME COMMISSION****Notice of Agreement(s) Filed**

The Commission hereby gives notice of the filing of the following agreement(s) under the Shipping Act of 1984. Interested parties can review or obtain copies of agreements at the Washington, DC offices of the Commission, 800 North Capitol Street, NW., Room 940. Interested parties may submit comments on an agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days of the date this notice appears in the **Federal Register**.

*Agreement No.:* 011656-001.

*Title:* West Coast Industrial Express Joint Service Agreement.

*Parties:* Associated Transport Line, L.L.C., ATL Investments Ltd., Industrial Maritime Carriers (U.S.A.) Inc., West Coast Industrial Express, L.L.C.

*Synopsis:* The proposed agreement changes the name of the joint service to West Coast Industrial Express, L.L.C., substitutes Industrial Maritime Carriers (U.S.A.) Inc. in place of G.G.E. Express Line L.L.C., and adds ATL Investments Ltd. to the agreement.

*Agreement No.:* 201004-002.

*Title:* Indiana International Port/Burns Harbor General Cargo Terminal Operating Agreement.

*Parties:* Indiana Port Commission, Indiana Stevedoring and Distribution Corporation.

*Synopsis:* The proposed amendment implements Indiana Stevedoring's exercise of its right of first refusal to add certain acreage to the agreement facilities, establishes fees for use of the additional acreage, adds new "Drug-Free" and "Conflict of Interest" clauses, and makes other non-substantive modifications.

*Agreement No.:* 201101-001.

*Title:* Tampa-Tampa Bay International Terminals Wharfage Incentive Agreement.

*Parties:* Tampa Port Authority, Tampa Bay International Terminals, Inc.

*Synopsis:* The proposed amendment extends the agreement through March 31, 2002, and revises the wharfage payment schedule.

Dated: April 5, 2001.

By Order of the Federal Maritime Commission.

**Bryant L. VanBrakle,**  
*Secretary.*

[FR Doc. 01-8867 Filed 4-10-01; 8:45 am]

**BILLING CODE 6730-01-P**

**FEDERAL MARITIME COMMISSION****Notice of Agreements Filed**

The Commission gives notice that it has requested that the parties to the below listed agreement provide additional information pursuant to section 6(d) of the Shipping Act of 1984, 46 U.S.C. app. §§ 1701 *et seq.* The Commission has determined that further information is necessary to evaluate the impact of the proposed agreement. This action prevents the agreement from becoming effective as originally scheduled.

*Agreement No.:* 011751.

*Title:* Braztrans Joint Service Agreement.

*Parties:* Companhia Libra de Navegacao and Companhia-Sud Americana de Vapores S.A.

Dated: April 5, 2001.

By Order of the Federal Maritime Commission.

**Bryant L. VanBrakle,**

*Secretary.*

[FR Doc. 01-8868 Filed 4-10-01; 8:45 am]

**BILLING CODE 6730-01-P**

**FEDERAL MARITIME COMMISSION****[Docket No. 01-04]**

**Selbuy Internatinal, Inc., d/b/a Canyon Enterprises v. Guardian Services Group, LTD.; Notice of Filing of Complaint and Assignment**

Notice is given that a complaint has been filed with the Federal Maritime Commission ("Commission") by Selbuy International, Inc., d/b/a Canyon Enterprises. ("Complainant") against Guardian Services Group, Ltd. ("Respondent").

Complainant is in the business of selling automobile spare parts, engines, radiators, transmissions and automobile body parts. Complainant states that the Respondent is a foreign freight forwarder licensed by the Commission. Complainant states that it contracted with Respondent to have certain goods transported from Saudi Arabia to Los Angeles. Complainant alleges that Respondent, instead of delivering certain of these goods to Complainant as agreed upon, refused to release those goods until Complainant paid \$32,900 in additional shipping charges over and above the rate previously agreed upon between the parties. Complainant states that the shipping lines refused to release the goods until they received the original bills of lading, sequestered Complainant's goods in warehouses and imposed demurrage charge in the amount of \$23,959.57.

Complainant alleges that Respondent violated section 10(d) of the Shipping Act of 1984, as amended, ("Shipping Act") by engaging in unjust and unreasonable practices in connection with the receipt, handling, storing and delivery of Complainant's goods. Complainant alleges that it has been subject to direct injury in connection with these practices by the payment of additional charges; by payment of demurrage charges; by idling the workers Complainant hired to inventory the goods; and by being unable to make timely delivery to its customer, which canceled its order with Complainant, which cost Complainant \$150,000 in gross revenues, half of which was anticipated profit.

Complainant asks that Respondent be required to answer its charges and, after due hearing, the Commission make an order commanding Respondent to pay Complainant reparations of \$137,859.57 with interest and attorney's fees or such other sum as the Commission may determine to be proper, and such other further order or orders the Commission determines to be proper. Complainant requests that hearing be held in or near Los Angeles, California.

This proceeding has been assigned to the office of Administrative Law Judges. Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61, and only after consideration has been given by the parties and the presiding officer to the use of alternative forms of dispute resolution. The hearing shall include oral testimony and cross-examination in the discretion of the presiding officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necessary for the development of an adequate record. Pursuant to the further terms of 46 CFR 502.61, the initial decision of the presiding officer in this proceeding shall be issued by April 5, 2002, and the final decision of the Commission shall be issued by August 5, 2002.

**Bryant L. VanBrakle,**  
*Secretary.*

[FR Doc. 01-8896 Filed 4-10-01; 8:45 am]

**BILLING CODE 6730-01-P**

**FEDERAL MARITIME COMMISSION****Ocean Transportation Intermediary License; Revocations**

The Federal Maritime Commission hereby gives notice that the following Ocean Transportation Intermediary licenses have been revoked pursuant to section 19 of the Shipping Act of 1984 (46 U.S.C. app. 1718) and the regulations of the Commission pertaining to the licensing of Ocean Transportation Intermediaries, effective on the corresponding dates shown below:

*License Number:* 1051F.

*Name:* Ohanneson Worldwide.

*Address:* 150 Lombard Street, Suite 4, San Francisco, CA 94111.

*Date Revoked:* March 17, 2001.

*Reason:* Failed to maintain a valid bond.

*License Number:* 11365N.

*Name:* Seawinds Freight Services, Inc.

*Address:* 601 Airport Blvd., Unit B, So. San Francisco, CA 94080.

*Date Revoked:* February 28, 2001.

*Reason:* Failed to maintain a valid bond.

*License Number:* 10809N.

*Name:* Tarnak Inc.

*Address:* 15 West 39th Street, 5th Floor, New York, NY 10018.

*Date Revoked:* March 12, 2001.

*Reason:* Failed to maintain a valid bond.

*License Number:* 11084N.

*Name:* Zust Ambrosetti Inc. d/b/a Zust Ambrosetti Italy.

*Address:* 8901 Tonnelle Avenue, North Bergen, NJ 07047.

*Date Revoked:* March 2, 2001.

*Reason:* Failed to maintain a valid bond.

**Sandra L. Kusumoto,**

*Director, Bureau of Consumer Complaints and Licensing.*

[FR Doc. 01-8866 Filed 4-10-01; 8:45 am]

**BILLING CODE 6730-01-P**

**FEDERAL MARITIME COMMISSION****Ocean Transportation Intermediary License; Applicants**

Notice is hereby given that the following applicants have filed with the Federal Maritime Commission an application for licenses as Non-Vessel Operating Common Carrier and Ocean Freight Forwarder—Ocean Transportation Intermediary pursuant to section 19 of the Shipping Act of 1984 as amended (46 U.S.C. app. 1718 and 46 CFR 515).

Persons knowing of any reason why the following applicants should not

receive a license are requested to contact the Office of Transportation Intermediaries, Federal Maritime Commission, Washington, DC 20573.

**Non-Vessel-Operating Common Carrier Ocean Transportation Intermediary Applicants**

Reliable Cargo Express Inc., 700

Rockaway Turnpike, Rm. 205, Lawrence, NY 11559,

Officers: Yat Hiwg So, President (Qualifying Individual) Patrick Ko, Vice President

**Non-Vessel Operating Common Carrier and Ocean Freight Forwarder Transportation Intermediary Applicants**

Clarke Transportation Services, Inc., 2000 Professional Way, Building 100, Woodstock, GA 30188

Officers: Laura J. Patterson, Manager Int'l. Transportation, (Qualifying Individual), Darell, Hornby, President

Distribution I (USA), Inc., 7025 Mission Street, Suite 201, Daly City, CA 94014

Officers: Rebecca Siu Ming Fung, Vice President (Qualifying Individual), Paul Y. W. Lee, President

Trans Circle Inc., 1927 West 139th Street, Gardena, CA 90249

Officers: Seiji Takeuchi, President (Qualifying Individual), Patricia L. Takeuchi, Secretary

**Ocean Freight Forwarder—Ocean Transportation Intermediary Applicants**

In-House Forwarding LLC, 1011

Derussey Road, New London, OH 44851

Officer: JoAnne Lake, President (Qualifying Individual)

April 5, 2001.

**Bryant L. VanBrakle,**

*Secretary.*

[FR Doc. 01-8865 Filed 4-10-01; 8:45 am]

**BILLING CODE 6730-01-P**

**FEDERAL RESERVE SYSTEM****Change in Bank Control Notices; Acquisition of Shares of Bank or Bank Holding Companies**

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. The notices also will be available for inspection at the office of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than April 25, 2001.

**A. Federal Reserve Bank of Dallas**  
(W. Arthur Tribble, Vice President) 2200 North Pearl Street, Dallas, Texas 75201-2272:

1. *Mary Lou Law*, Windom, Texas; to acquire voting shares of Fannin Bancorp, Inc., Employee Stock Ownership Plan & Trust, Windom, Texas, and thereby indirectly acquire voting shares of Fannin Bancorp, Inc., Windom, Texas, and Fannin Bank, Windom, Texas.

Board of Governors of the Federal Reserve System, April 5, 2001.

**Robert deV. Frierson**

*Associate Secretary of the Board.*

[FR Doc. 01-8850 Filed 4-10-01; 8:45 am]

**BILLING CODE 6210-01-S**

**FEDERAL RESERVE SYSTEM****Formations of, Acquisitions by, and Mergers of Bank Holding Companies**

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank

holding companies may be obtained from the National Information Center website at [www.ffiec.gov/nic/](http://www.ffiec.gov/nic/).

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than May 4, 2001.

**A. Federal Reserve Bank of Cleveland** (Paul Kaboth, Banking Supervision) 1455 East Sixth Street, Cleveland, Ohio 44101-2566:

1. *FBI Corporation*, Wheeling, West Virginia; to become a bank holding company by acquiring 100 percent of the voting shares of Freedom Bancshares, Inc., Belington, West Virginia, and Belington Bank, Belington, West Virginia.

2. *Central Ohio Bancorp*, Waverly, Ohio; to become a bank holding company by acquiring 100 percent of the voting shares of First National Bank, Waverly, Ohio.

3. *Wesbanco, Inc.*, Wheeling, West Virginia; to merge with Freedom Bancshares, Inc., Belington, West Virginia, and thereby indirectly acquire Belington Bank, Belington, West Virginia.

**B. Federal Reserve Bank of Kansas City** (D. Michael Manies, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198-0001:

1. *First National Bank Holding Company*, Longmont, Colorado; to merge with First State Bancorp of the Rockies, Fort Collins, Colorado, and thereby indirectly acquire First State Bank of Fort Collins, Fort Collins, Colorado.

Board of Governors of the Federal Reserve System, April 5, 2001.

**Robert deV. Frierson**

*Associate Secretary of the Board.*

[FR Doc. 01-8849 Filed 4-10-01; 8:45 am]

BILLING CODE 6210-01-S

## GENERAL ACCOUNTING OFFICE

### Opportunity To "Ride" Printing Order for Volume IV of GAO's *Principles of Federal Appropriations Law*

**AGENCY:** General Accounting Office.

**ACTION:** Notice.

**SUMMARY:** GAO is publishing Volume IV of *Principles of Federal Appropriations Law*, second edition—known as "The Red Book." Agencies may now place advance (rider) orders for copies of this volume with GPO.

**DATES:** Rider orders must be received by GPO no later than June 6, 2001.

**SUPPLEMENTARY INFORMATION:** The General Accounting Office (GAO) will

shortly publish Volume IV of *Principles of Federal Appropriations Law*, second edition—also known as "The Red Book." Volume IV will consist of three chapters covering goods and services, real property, boards and commissions, nonappropriated fund instrumentalities, corporations, and trust funds. Later this year, GAO will publish Volume V of the Red Book which will consist of a comprehensive index and tables of authority covering all of the preceding four volumes. Volumes IV and V complete the second edition of GAO's *Principles of Federal Appropriations Law*.

GAO will provide one copy of each of these volumes to the heads of federal agencies. Agencies may place advance (rider) orders for additional copies of these volumes with their account representatives at the Government Printing Office (GPO). At the present time, agencies may only place rider orders for Volume IV. A separate announcement will be issued later this year when rider orders may be placed for Volume V.

This notice is not intended to solicit orders from the general public for single copies or small orders of these volumes. GPO will offer volumes IV and V for sale to the general public at a later time.

Rider orders for Volume IV should be placed on a Standard Form 1 and should specify GAO Requisition No. 1-00050. Agency orders for Volume IV must be received by GPO no later than June 6, 2001. Rider requisitions for Volume IV will not be accepted after this date, and additional copies will have to be purchased from the Superintendent of Documents. All rider requisitions must be submitted to GPO through each agency's Washington, DC headquarters printing procurement office. We are advised that GPO will return all requisitions sent directly from field or regional offices.

In compiling your agency's total order, GAO suggests that you take into consideration the needs of legal offices, finance offices, contracting offices, libraries, Inspector General offices, field and regional offices, and any other elements of your agency that might use this publication.

As with the previous three volumes of this series, Volume IV of *Principles of Federal Appropriations Law* is designed to fit in a red 3-ring binder imprinted with the title and other identification data. A binder and chapter tabs are included with each volume ordered. Volume V will be published in the "perfect-bound" format. Consequently, it will not require a binder.

(Authority: 31 U.S.C. 717, 719, 3511, 3526-29.)

Dated: April 6, 2001.

**Anthony Gamboa,**

*General Counsel, United States General Accounting Office.*

[FR Doc. 01-8906 Filed 4-10-01; 8:45 am]

BILLING CODE 1610-02-M

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Agency for Toxic Substances and Disease Registry

#### Community/Tribal Subcommittee and the Board of Scientific Counselors, Agency for Toxic Substances and Disease Registry: Meetings

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92-463), the Agency for Toxic Substances and Disease Registry (ATSDR) announces the following subcommittee and committee meetings.

*Name:* Community/Tribal Subcommittee.

*Times and Dates:* 9 a.m.-5:15 p.m., May 1, 2001, 8:30 a.m.-4:30 p.m., May 2, 2001.

*Place:* Atlanta Marriott Century Center Hotel, 2000 Century Boulevard, NE., Atlanta, Georgia 30345.

*Status:* Open to the public, limited by the available space. The meeting room accommodates approximately 50 people.

*Purpose:* This subcommittee brings to the Board advice, citizen input, and recommendations on community and tribal programs, practices, and policies of the Agency.

*Matters To Be Discussed:* Agenda items include an update on Action Items and Recommendations from previous meeting, review of Tracking System, and, selection of new tribal members to CTS; presentation by IHS; overview of DHEP community health education; presentation of NEJAC activities; update on Alaskan Native Subsistence and Dietary Contaminants Program; presentation of Disease Registry activities of ATSDR; review of Task Group progress report; discussion on health concerns of depleted uranium; and, a review of Federal Facilities Summary Documentation.

*Name:* Board of Scientific Counselors, ATSDR.

*Times and Dates:* 8:30 a.m.-5 p.m., May 3, 2001, 8:30 a.m.-12:15 p.m., May 4, 2001.

*Place:* Atlanta Marriott Century Center Hotel, 2000 Century Boulevard, NE., Atlanta, Georgia 30345.

*Status:* Open to the public, limited by the available space. The meeting room accommodates approximately 50 people.

*Purpose:* The Board of Scientific Counselors, ATSDR, advises the Secretary; the Assistant Secretary for Health; and the Administrator, ATSDR, on ATSDR programs to ensure scientific quality, timeliness, utility, and dissemination of results. Specifically, the Board advises on the adequacy of science in ATSDR-supported research, emerging problems that require scientific investigations, accuracy and

currency of the science in ATSDR reports, and program areas to emphasize or de-emphasize. In addition, the Board recommends research programs and conference support for which the Agency awards grants to universities, colleges, research institutions, hospitals, and other public and private organizations.

**Matters To Be Discussed:** Agenda items will include a review of Action Items; ATSDR updates; review of Alaska Native Subsistence and Dietary Contaminants Program; update of health care provider education activities, accomplishments, and strategy; update on ATSDR's Strategic Planning Process; review of the National Report on Human Exposure to Environmental Chemicals; discussion on exposure investigations and biomarkers; update on new developments in Environmental Justice and Health Disparities; summary of Community/Tribal Subcommittee meeting, issues, and Recommendations; discussion of the Shared Vision of Environmental Health joint meeting of ATSDR and NCEH Boards, and, an update on PEW Commission activities and ATSDR involvement.

Written comments are welcomed and should be received by the contact person listed below prior to the opening of the meeting.

Agenda items are subject to change as priorities dictate.

**Contact Person for More Information:** Robert Spengler, Sc.D., Executive Secretary, BSC, ATSDR, M/S E-28, 1600 Clifton Road, NE, Atlanta, Georgia 30333, telephone 404/639-0708.

The Director, Management Analysis and Services Office, has been delegated the authority to sign Federal Register Notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: April 3, 2001.

**Carolyn J. Russell,**

*Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.*

[FR Doc. 01-8882 Filed 4-10-01; 8:45 am]

**BILLING CODE 4163-70-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control And Prevention

[60 Day-01-29]

#### Proposed Data Collections Submitted for Public Comment and Recommendations

In compliance with the requirement of section 3506 (c)(2)(A) of the Paperwork reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) is providing opportunity for public comment on proposed data collection projects. To request more information on the proposed projects or to obtain a copy of the data collection plans and instruments, call the CDC Reports Clearance Officer at (404) 639-7090.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and

clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques for other forms of information technology. Send comments to Anne E. O'Connor, CDC Assistant Reports Clearance Officer, 1600 Clifton Road, MS-D24, Atlanta, GA 30333. Written comments should be received within 60 days of this notice.

#### Proposed Projects

Evaluation of Viral Hepatitis B Educational Slide Materials—New—National Center for Infectious Disease (NCID), Centers for Disease Control and Prevention (CDC). The purpose of the proposed study is to assess the usefulness of the Hepatitis B and You, an educational slide set located on the website of the Hepatitis Branch, NCID, CDC. The Hepatitis B and You educational slide set is used to educate persons about hepatitis B in general and more specifically the importance of hepatitis B vaccination to prevent perinatal transmission of hepatitis B virus (HBV). An estimated 1.25 million Americans are chronically infected with HBV and 4,000 to 5,000 die each year due to resultant cirrhosis and liver cancer. The estimated cost associated with HBV infections is \$700 million a year in medical care and lost work days. The only cost to respondents is their time to participate which is estimated at \$4,140.00 (414 hours × \$10.00 per hour).

Form name	Number of respondents	Number of responses per respondent	Ave. burden per response (in hours)	Total response burden (in hours)
Web .....	1656	1	15/60	414

Date: April 4, 2001.

**Nancy E. Cheal,**

*Acting Associate Director for Policy, Planning, and Evaluation Centers for Disease Control and Prevention (CDC).*

[FR Doc. 01-8879 Filed 4-10-01; 8:45 am]

**BILLING CODE 4163-18-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention (CDC)

#### The Advisory Committee for the Director of the National Center for Environmental Health (NCEH) of the Centers for Disease Control and Prevention (CDC)

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92-463), the Centers for Disease Control and Prevention (CDC) announces the following committee meeting:

**Name:** Advisory Committee to the Director, NCEH.

**Times and Dates:** 1:30-5 pm, April 30, 2001; and 9 am-12:30 pm, May 1, 2001.

**Place:** JW Marriott, 1331 Pennsylvania Avenue, Washington, DC, 20004.

**Status:** Open to the public for observation and comment, limited only by the space available. The meeting room accommodates approximately 45 people.

**Purpose:** The Secretary, and by delegation, the Director, Centers for Disease Control and Prevention, are authorized under section 301(42 U.S.C. 241) and section 311(42 U.S.C. 243) of the Public Health Service Act, as amended, to (1) conduct, encourage, cooperate with, and assist other appropriate public authorities, scientific institutions, and scientists in the conduct of research, investigations, experiments, demonstrations, and studies relating to the causes, diagnosis,

treatment, control, and prevention of physical and mental diseases, and other impairments; (2) assist States and their political subdivisions in the prevention of infectious diseases and other preventable conditions, and in the promotion of health and well being; and (3) train State and local personnel in health work.

**Matters to be Discussed:** Agenda items will include the National Report on Human Exposure to Environmental Chemicals, a Status Report on the National Center on Birth Defects and Developmental Disabilities, National Environmental Health Tracking, and the National Childhood Lead Poisoning Prevention Program.

Agenda items are tentative and subject to change.

**Contact Person for More Information:** Michael J. Sage, Designated Federal Official, CDC, 4770 Buford Highway, NE, MS F-29, Atlanta, Georgia 30341-3724; telephone 770-488-7020, fax 770-488-7024; e-mail: mjs@cdc.gov.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: April 3, 2001.

**Carolyn J. Russell,**

*Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.*

[FR Doc. 01-8876 Filed 4-10-01; 8:45 am]

**BILLING CODE 4163-18-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

#### National Task Force on Fetal Alcohol Syndrome and Fetal Alcohol Effect: Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92-463), the Centers for Disease Control and Prevention (CDC) announces the following Federal advisory committee meeting.

**Name:** National Task Force on Fetal Alcohol Syndrome and Fetal Alcohol Effect (NTFFASFAE).

**Times and Dates:** 8:30 a.m.-5 p.m., April 25, 2001, 8:30 a.m.-3 p.m., April 26, 2001.

**Place:** Sheraton Atlanta Hotel, 165 Courtland Street, Atlanta, Georgia 30303, telephone 404/659-6500, fax 404/524-1259.

**Status:** Open to the public, limited only by the space available. The meeting room accommodates approximately 50 people.

**Purpose:** The Secretary is authorized by the Public Health Service Act, Section 399G, (42 U.S.C. Section 280f, as added by Public Law 105-392) to establish a National Task Force on Fetal Alcohol Syndrome and Fetal Alcohol Effect to: (1) foster coordination

among all governmental agencies, academic bodies and community groups that conduct or support Fetal Alcohol Syndrome (FAS) and Fetal Alcohol Effect (FAE) research, programs and surveillance; and (2) to otherwise meet the general needs of populations actually or potentially impacted by FAS and FAE.

**Matters to be Discussed:** Agenda items for the meeting will include: development of a task force mission statement; reports from the work groups; an update on the conference, "Individuals with Disabilities Education Act 25", updates from CDC and other Federal agencies regarding new activities in FAS and FAE, discussion of future topics, and scheduling the next meeting.

Agenda items are subject to change as priorities dictate.

**Contact Person for More Information:** R. Louise Floyd, DSN, RN, Executive Secretary, NTFFASFAE, National Center for Environmental Health, CDC, 4700 Buford Highway, NE, (F-49), Atlanta, Georgia 30333, telephone 770/488-7372, fax 770/488-7361.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities for both the CDC and ATSDR.

Dated: April 3, 2001.

**Carolyn J. Russell,**

*Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.*

[FR Doc. 01-8877 Filed 4-10-01; 8:45 am]

**BILLING CODE 4163-18-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

#### Meeting; National Center for HIV, STD, and TB Prevention

The National Center for HIV, STD, and TB Prevention (NCHSTP) of the Centers for Disease Control and Prevention (CDC) announces the following meeting:

**Name:** Consultation on the prevention needs of young men of color who have sex with other men (YMSM).

**Time and Date:** 8:30 am-5:30 pm, April 12, 2001.

**Place:** Centers for Disease Control and Prevention, 8 Corporate Square Boulevard, Building 8, Atlanta, GA 30329.

**Purpose:** Invitation meeting and open to the public for observation. Limited by space available. The meeting room accommodates 30 people.

**Matters To Be Discussed:** The meeting will solicit the individual advice and recommendations of non-governmental, governmental, and community-based providers who are knowledgeable and experienced in HIV prevention programs targeting YMSM of color.

**Contact Person for More Information:** Chad Martin, Special Assistant to the Director on Youth and HIV Prevention, Division of HIV/AIDS Prevention, National Center for HIV, STD, and TB Prevention, CDC, Corporate Square Office Park, 8 Corporate Square Boulevard, M/S E35, Atlanta, Georgia 30329, telephone 404/639-5217, e-mail cmartin@cdc.gov.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** Notices pertaining to announcements of meetings and other committee management activities, for the both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: April 5, 2001.

**Carolyn J. Russell,**

*Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.*

[FR Doc. 01-8881 Filed 4-10-01; 8:45 am]

**BILLING CODE 4163-18-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

#### Injury Research Grant Review Committee: Conference Call Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92-463), the Centers for Disease Control and Prevention (CDC) announces the following conference call committee meeting.

**Name:** Injury Research Grant Review Committee (IRGRC).

**Time and Date:** 1 p.m.-4:30 p.m., April 26, 2001.

**Place:** National Center for Injury Prevention and Control (NCIPC), CDC, Koger Center, Vanderbilt Building, 1st Floor, Conference Room 1006, 2939 Flowers Road, South, Atlanta, Georgia 30341. (Exit Chamblee-Tucker Road off I-85.)

**Status:** Open: 1 p.m.-1:30 p.m., April 26, 2001, Closed: 1:30 p.m.-4:30 p.m., April 26, 2001.

**Purpose:** This committee is charged with advising the Secretary of Health and Human Services, the Assistant Secretary for Health, and the Director, CDC, regarding the scientific merit and technical feasibility of grant applications received from academic institutions and other public and private profit and nonprofit organizations, including State and local government agencies, to conduct specific injury research that focus on prevention and control and to support injury prevention research centers.

**Matters To Be Discussed:** Agenda items include discussion of review procedures and issues, future meeting dates, and review of grant applications. Beginning at 1:30 p.m., through 4:30 p.m., April 26, the Committee will review Injury Control Research Center grant applications submitted in response to



Program Announcement #01007. This portion of the meeting will be closed to the public in accordance with provisions set forth in section 552b(c)(4) and (6), Title 5 U.S.C., and the Determination of the Deputy Director for Program Management, CDC, pursuant to Public Law 92-463.

Agenda items are subject to change as priorities dictate.

*Contact Person for More Information:* Richard W. Sattin, M.D., Acting Executive Secretary, IRGRC, NCIPC, CDC, 4770 Buford Highway, NE, M/S K58, Atlanta, Georgia 30341-3724, telephone 770/488-4330.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: April 3, 2001.

**Carolyn J. Russell,**

*Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.*

[FR Doc. 01-8880 Filed 4-10-01; 8:45 am]

**BILLING CODE 4163-18-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

#### Study Team for the Los Alamos Historical Document Retrieval and Assessment Project

The Centers for Disease Control and Prevention (CDC) and the Agency for Toxic Substances and Disease Registry (ATSDR) announce the following meeting:

*Name:* Public Meeting of the Study Team for the Los Alamos Historical Document Retrieval and Assessment Project.

*Dates:* April 24, 2001; April 26, 2001.

*Times:* 5 p.m.-7 p.m.; 5 p.m.-7 p.m.

*Places:* Los Alamos Inn, 2201 Trinity Drive, Los Alamos, New Mexico 87544; Northern New Mexico Community College, Center for the Arts Theater, Espanola Campus, 921 Paseo de Onate, Espanola, New Mexico 83752, 505/747-2100.

*Tel:* 505/662-7211.

*Status:* Open to the public, limited only by the space available. The meeting rooms will accommodate approximately 50 people.

*Background:* Under a Memorandum of Understanding (MOU) signed in December 1990 with the Department of Energy (DOE) and replaced by MOUs signed in 1996 and 2000, the Department of Health and Human Services (HHS) is given the responsibility and resources for conducting analytic epidemiologic investigations of residents of communities in the vicinity of DOE facilities, workers at DOE facilities, and other persons potentially exposed to radiation or to potential hazards from non-nuclear energy

production use. HHS delegated program responsibility to CDC.

In addition, a memo was signed in October 1990 and renewed in November 1992, 1996, and in 2000, between the ATSDR and DOE. The MOU delineates the responsibilities and procedures for ATSDR's public health activities at DOE sites required under sections 104, 105, 107, and 120 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or "Superfund"). These activities include health consultations and public health assessments at DOE sites listed on, or proposed for, the Superfund National Priorities List and at sites that are the subject of petitions from the public; and other health-related activities such as epidemiologic studies, health surveillance, exposure and disease registries, health education, substance-specific applied research, emergency response, and preparation of toxicological profiles.

*Purpose:* This Study Team is charged with locating, evaluating, cataloging, and copying documents that contain information about historical chemical or radionuclide releases from facilities at the Los Alamos National Laboratory since its inception. The purposes of these meetings are to review the goals, methods, and schedule of the project, discuss progress to date, provide a forum for community interaction, and serve as a vehicle for members of the public to express concerns and provide advice to CDC.

*Matters To Be Discussed:* Agenda items include a presentation from the National Center for Environmental Health (NCEH) and its contractor regarding an update on the information-gathering project that began in February 1999, including discussion of the project's initial draft report scheduled to be issued in late August 2001. There will be time for public input, questions, and comments.

All agenda items are subject to change as priorities dictate.

*Contact Person for Additional Information:* Paul G. Renard, Radiation Studies Branch, Division of Environmental Hazards and Health Effects, NCEH, CDC, 1600 Clifton Road, NE., (E:39), Atlanta, GA 30333, telephone 404/639-2550, fax 404/639-2575.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities for both CDC and ATSDR.

Dated: April 3, 2001.

**Carolyn J. Russell,**

*Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.*

[FR Doc. 01-8878 Filed 4-10-01; 8:45 am]

**BILLING CODE 4163-18-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Health Care Financing Administration

[Document Identifier: HCFA-R-118]

#### Agency Information Collection Activities: Proposed Collection; Comment Request

**AGENCY:** Health Care Financing Administration, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

*Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Peer Review Organization Contracts: Solicitation of Statements of Interest from In-State Organizations, General Notice and Supporting Regulations in 42 CFR 475; *Form No.:* HCFA-R-118 (OMB #0938-0526); *Use:* This notice is a solicitation of sources sought for the procurement of medical review services. The information is required for potential contractors to demonstrate that they meet the statutory requirements as Peer Review Organizations. Compliance with these requirements is voluntary.; *Frequency:* As needed; *Affected Public:* Business or other for-profit; *Number of Respondents:* 53; *Total Annual Responses:* 53; *Total Annual Hours:* 1 hour.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at <http://www.hcfa.gov/regs/prdact95.htm>, or E-mail your request, including your address, phone number, OMB number, and HCFA document identifier, to [Paperwork@hcfa.gov](mailto:Paperwork@hcfa.gov), or call the Reports Clearance Office on (410) 786-1326.



Written comments and recommendations for the proposed information collections must be mailed within 60 days of this notice directly to the HCFA Paperwork Clearance Officer designated at the following address: HCFA, Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards, Attention: Melissa Musotto, Room N2-14-26, 7500 Security Boulevard, Baltimore, Maryland 21244-1850.

Dated: April 4, 2001.

**John P. Burke III,**

*HCFA Reports Clearance Officer, HCFA Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards.*

[FR Doc. 01-8909 Filed 4-10-01; 8:45 am]

**BILLING CODE 4120-03-P**

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-4653-N-04]

### Notice of Proposed Information Collection for Public Comment: Assessment of Third-Party Economic Development Loans Funded Through HUD's Community Planning and Development Programs

**AGENCY:** Office of the Assistant Secretary for Policy Development and Research, HUD.

**ACTION:** Notice.

**SUMMARY:** The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

**DATES:** *Comments Due Date:* June 11, 2001.

**ADDRESSES:** Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name or OMB control number and be sent to: Reports Liaison Officer, Office of Policy Development and Research, Department of Housing and Urban Development, 451 7th Street, SW., Room 8226, Washington, DC 20410.

**FOR FURTHER INFORMATION CONTACT:** Judson L. James, Office of Research, Evaluation and Monitoring, Program Evaluation Division, Department of Housing and Urban Development, 451 7th Street, SW., Washington, DC 20410; telephone (202) 708-3700 (this is not a toll-free number). Copies of the proposed forms and other available documents to be submitted to OMB may be obtained from Mr. James.

**SUPPLEMENTARY INFORMATION:** The Department will submit the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the function of the agency; (2) evaluate the accuracy of the agency's estimated burden; (3) enhance the quality, utility, and clarity of the information to be collected; and (4) minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, e.g. permitting electronic submission of responses.

This Notice also lists the following information:

*Title of Proposal:* Assessment of Third-Party Economic Development Loans Funded Through HUD's Community Planning and Development Programs.

*Description of the need for the information and proposed use:* The information to be collected is part of a larger study of the character and impacts of third-party economic development lending activities funded through HUD's Community Development Block Grant (CDBG), Economic Development Initiative (EDI), and section 108 Guaranteed Loan programs. Although many communities have used large amounts of CDBG, EDI, and section 108 funds for such purposes, there is very little systematically collected information about the extent of such lending

nationally, the character and performance of the loans that are made, and the economic development impacts of such loans. This information collection is intended to fill this gap by: describing and characterizing the extent of third-party lending under the CDBG, section 108, and EDI programs; characterizing the nature of the national economic development loan portfolio; and assessing the basic performance and impacts of economic development loans. Together with data collected from administrative records, this information will provide HUD with key performance and evaluation data on its community and economic development programs as well as inform ongoing policy discussion regarding the desirability and feasibility of initiating secondary market sales of locally-issued economic development loans. Secondary market sales could provide such jurisdictions with increased capital availability for economic development purposes.

*Members of affected public:* In addition to collection of administrative data associated with economic development lending, these objectives will be accomplished through three surveys. The first involves brief telephone interviews with the national universe of local Directors of Community/Economic Development Departments that have used HUD funds for economic development purposes over the last decade. The second involves in-person, in-depth interviews with a sample of local Directors and other officials of Community/Economic Development Departments in 65 local jurisdictions (cities and urban counties) and states that have done extensive lending for economic development—averaging three interviews per jurisdiction/state. The third involves telephone interviews with principals/representatives of private businesses that in recent years have received economic development loans using CDBG, EDI, or section 108 funds.

Estimation of the total number of hours needed to prepare the information collection, including the number of respondents, frequency of response, and hours of response.

Types of respondents	Number of respondents	Number of responses	Minutes per respondent	Total burden hours
Community/Economic Development Department Directors (by telephone) ....	800	1	20	266
Community/Economic Development Department Directors/Officials (in person) .....	195	1	60	195
Principals/Representatives of Business Loan Recipients (by telephone) .....	600	1	20	200
Total .....	1595			661

*Status of proposed information collection:* Pending OMB approval.

**Authority:** Section 3506 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: March 29, 2001.

**Lawrence L. Thompson,**  
General Deputy Assistant Secretary for Policy Development and Research.

[FR Doc. 01-8846 Filed 4-10-01; 8:45 am]

**BILLING CODE 4210-62-M**

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-4529-N-02]

### Notice of Proposed Information Collection: Comment Request

**AGENCY:** Office of General Counsel, HUD.

**ACTION:** Notice.

**SUMMARY:** The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

**DATES:** *Comments Due Date:* June 11, 2001.

**ADDRESSES:** Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Wayne Eddins, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., L'Enfant Plaza Building, Room 8001, Washington, DC 20410.

**FOR FURTHER INFORMATION CONTACT:** Linda Katz, Office of Assistant General Counsel for New England, Department of Housing and Urban Development, 60 Causeway Street, Suite 100, Boston, MA 02122, telephone (617) 996-8250 (this is not a toll free number) for copies of the proposed forms and other available information.

**SUPPLEMENTARY INFORMATION:** The Department is submitting the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection is necessary for the proper performance of the functions of the agency, including whether the information will have

practical utility; (2) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) enhance the quality, utility, and clarity of the information to be collected; and (4) minimize the burden of the collection of information on those who are to respond; including the use of appropriate automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

This Notice also lists the following information:

*Title of Proposal:* Information request to owners of HUD-assisted multifamily housing in Boston, pursuant to section III.A of consent Decree in *N.A.A.C.P., Boston Chapter v. Cuomo*.

*OMB Control Number, if applicable:* 2510-0008.

*Description of the need for the information and proposed use:* Pursuant to section III.A of the Consent Decree in *NAACP, Boston Chapter v. Cuomo*, as modified, HUD is required to submit annual reports to the Court setting forth the current racial makeup, family composition, and vacancy rate of HUD-assisted multifamily rental housing located in the city of Boston. The information is required to prepare reports to determine if there has been any progress toward achieving the goal of the Decree.

*Agency form numbers, if applicable:* None.

*Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response:*

*Respondents:* 213.

*Frequency of response:* once a year.

*Hours of response:* one hour.

*Total burden hours at one hour per response:* 213.

*Status of the proposed information collection:* This is an reinstatement with change of a previously approved collection.

**Authority:** The Paperwork Reduction Act of 1995, 44 U.S.C., Chapter 35, as amended.

Dated: April 4, 2001.

**George L. Weidenfeller,**

Deputy Assistant General Counsel for Housing Finance and Operations.

[FR Doc. 01-8847 Filed 4-10-01; 8:45 am]

**BILLING CODE 4210-01-M**

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-4579-FA-08]

### Housing Counseling Program Announcement of Noncompetitive Funding Awards for Fiscal Year 2000

**AGENCY:** Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

**ACTION:** Announcement of noncompetitive funding awards.

**SUMMARY:** In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989, this announcement notifies the public of funding decisions made by the Department in response to unsolicited proposals for funding of organizations providing housing counseling services. This announcement contains the names and addresses of the agencies selected for funding and the award amount.

#### FOR FURTHER INFORMATION CONTACT:

Margaret Burns, Director, Program Support Division, Room 9166, Office of Single Family Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410, telephone (202) 708-2121. Hearing- or speech-impaired individuals may access this number by calling the Federal Information Relay Service on 1-800-877-8339 or (202) 708-9300. (With the exception of the "800" number, these are not toll free numbers.)

**SUPPLEMENTARY INFORMATION:** The Housing Counseling Program is authorized by Section 106 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x). HUD enters into agreement with qualified public or private nonprofit organizations to provide housing counseling services to low- and moderate-income individuals and families nationwide. The services include providing information, advice and assistance to renters, first-time homebuyers, homeowners, and senior citizens in areas such as pre-purchase counseling, financial management, property maintenance and other forms of housing assistance to improve the clients' housing conditions and meet the responsibilities of tenancy and homeownership.

The purpose of the grant is to offer financial assistance to organizations that offer housing counseling services to meet priority housing needs, as identified by HUD. The availability of housing counseling program grants depends upon the appropriation of funds by the U.S. Congress for this purpose, the amount of those funds, and

the recapture of any unspent funds from previous years' competitions for awards.

The 2000 grantees announced in this Notice were selected for funding based on the submission of unsolicited proposals. The selected grantees submitted proposals to undertake housing counseling activities that met two priority needs identified by HUD and Congress: assisting victims of and preventing predatory lending and ensuring that counseling is available for clients interested in HUD's Home Equity Conversion Mortgage (HECM) program. Applicants were selected for funding on the strength of their proposals and their ability to serve a significant number of clients in need of assistance.

HUD awarded \$1.85 million in non-competitive housing counseling grants to 13 service providers: 11 local housing counseling agencies, 1 national housing counseling intermediary, and 1 national foundation.

In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989 (103 Stat. 1987, 42 U.S.C. 3545), the Department is publishing the names, addresses, and award amounts as provided in Appendix A. (The Catalog of Federal Domestic Assistance number for this program is 14.169)

Dated: April 3, 2001.

**Sean Cassidy,**

*General Deputy Assistant Secretary for Housing-Deputy Federal Housing Commissioner.*

#### **Appendix A—Recipients of Noncompetitive Funding Awards for the Housing Counseling Program—FY 2000**

##### *HECM Counseling Award*

AARP, 601 E Street, NW, Washington, DC 20049, Award Amount: \$550,000

##### *Predatory Lending Awards*

###### *Local Agencies*

Saint Ambrose Housing Aid Center, 321 E 25th Street, Baltimore, MD 21218-5303, Amount Awarded: \$120,000

Govans Economic Management Senate, Incorporated, 4324 York Road, Ste 203, Baltimore, MD 21212, Amount Awarded: \$80,000

Spanish Coalition for Housing, 4035 W North Ave, Chicago, IL 60639, Amount Awarded: \$75,000

Neighborhood Housing Services of Chicago, Incorporated, 747 N May St, Chicago, IL 60622-5854, Amount Awarded: \$100,000

Community and Economic Development Association—CEDA, 208 S La Salle St., Suite 1900, Chicago, IL 60604-1104, Amount Awarded: \$75,000

Chicago Urban League Development

Corporation, 4510 S Michigan Ave., Chicago, IL 60653-3898, Amount Awarded: \$50,000

Consumer Credit Counseling Service of Los Angeles, 5191 Whittier Boulevard, Los Angeles, CA 90022, Amount Awarded: \$100,000

Los Angeles Neighborhood Housing Services, 3111 South Flower Street, Los Angeles, CA 90007, Amount Awarded: \$100,000

Cypress Hills Local Development Corporation, 3214 Fulton St, Brooklyn, NY 11208-1908, Amount Awarded: \$75,000

Jamaica Housing Improvement, Incorporated, 161-10 Jamaica Ave., Suite 601, Jamaica, NY 11432-6149, Amount Awarded: \$75,000

Neighborhood Housing Services of New York City, Incorporated, 121 W 27th Street Suite 404, New York, NY 10001, Amount Awarded: \$75,000

United Jewish Organizations of Williamsburg, Inc., 32 Penn Street, Brooklyn, New York 1121, Amount Awarded: \$200,000

###### *National Intermediary*

Acorn Housing Corporation, 650 S. Clark, Chicago, IL 60605, Amount Awarded: \$300,000

[FR Doc. 01-8941 Filed 4-10-01; 8:45 am]

**BILLING CODE 8010-01-P**

#### **DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT**

**[Docket No. FR-4560-FA-16]**

#### **Housing Counseling Program; Announcement of Funding Awards for Fiscal Year 2000**

**AGENCY:** Office of the Assistant Secretary for Housing-Federal Housing Commissioner, HUD.

**ACTION:** Announcement of funding awards.

**SUMMARY:** In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989, this announcement notifies the public of funding decisions made by the Department in a SuperNOFA competition for funding of HUD-approved counseling agencies to provide counseling services. This announcement contains the names and addresses of the agencies selected for funding and the amount.

**FOR FURTHER INFORMATION CONTACT:** Margaret Burns, Director, Program Support Division, Room 9166, Office of Single Family Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410, telephone (202) 708-2121. Hearing- or speech-impaired individuals may access this number by calling the Federal Information Relay Service on 1-800-877-8339 or (202) 708-9300. (With

the exception of the "800" number, these are not toll free numbers.)

**SUPPLEMENTARY INFORMATION:** The Housing Counseling Program is authorized by section 106 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701x). HUD enters into agreement with qualified public or private nonprofit organizations to provide housing counseling services to low- and moderate-income individuals and families nationwide. The services include providing information, advice and assistance to renters, first-time homebuyers, homeowners, and senior citizens in areas such as pre-purchase counseling, financial management, property maintenance and other forms of housing assistance to improve the clients' housing conditions and meet the responsibilities of tenancy and homeownership.

The purpose of the grant is to assist HUD-approved housing counseling agencies in providing housing counseling services to HUD-related and other clients. HUD funding of approved housing counseling agencies is not guaranteed and when funds are awarded, a HUD grant does not cover all expenses incurred by an agency to deliver housing counseling services. Counseling agencies must actively seek additional funds from other sources such as city, county, state and federal agencies and from private entities to ensure that they have sufficient operating funds. The availability of housing counseling program grants depends upon whether the U.S. Congress appropriates funds for this purpose, the amount of those funds, and the outcome of the competitions for award.

The 2000 grantees announced in this Notice were selected for funding through a competition announced in a **Federal Register** Notice published on February 24, 2000 (65 FR 9519) for the housing counseling program. Applications submitted for each competition were scored and selected for funding on the basis of selection criteria contained in the Notice. HUD awarded \$13.1 million in housing counseling grants to 362 housing counseling agencies nationwide: 328 local agencies, 12 intermediaries, and 22 State housing finance agencies.

In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989 (103 Stat. 1987, 42 U.S.C. 3545), the Department is publishing the names, addresses, and award amounts as provided in Appendix A.

(The Catalog of Federal Domestic Assistance number for this program is 14.169)

Dated: April 3, 2001.

**Sean Cassidy,**

*General Deputy Assistant Secretary for Housing-Deputy Federal Housing Commissioner.*

**Appendix A—Recipients of Funding Awards for the Housing Counseling Program—FY 2000**

*Intermediary Organizations (12)*

Acorn Housing Corporation, 846 N. Broad Street, Philadelphia, PA 19130, Amount Awarded: \$597,474.34

Catholic Charities USA, 1731 King Street, Suite 200, Alexandria, VA 22314, Amount Awarded: \$572,409.24

Citizens' Housing and Planning Association, 18 Tremont Street, Suite 401, Boston, MA 02108, Amount Awarded: \$418,142.75

Housing Opportunities, Inc., 133 Seventh Avenue, P.O. Box 9, McKeesport, PA 15134, Amount Awarded: \$522,467.07

National Association of Housing Partnerships, Inc., 160 State Street, 5th Floor, Boston, MA 02109, Amount Awarded: \$633,462.83

National Association of Real Estate Brokers, 1301 East 85th Avenue, Oakland, CA 94621-1605, Amount Awarded: \$393,876.39

National Council of La Raza, 1111 19th Street, NW, Suite 1000, Washington, DC 20036, Amount Awarded: \$558,878.33

National Foundation for Consumer Credit, 8611 Second Avenue, Suite 100, Silver Spring, MD 20910, Amount Awarded: \$675,770.39

National Urban League, 120 Wall Street, New York, NY 10005, Amount Awarded: \$563,200.75

Neighborhood Reinvestment Corporation, 1325 G Street, NW, Suite 800, Washington, DC 20005-3100, Amount Awarded: \$670,085.51

The Congress of National Black Churches, Inc., 1225 Eye Street, NW, Suite 750, Washington, DC 20005-3914, Amount Awarded: \$522,208.64

West Tennessee Legal Services, Inc., 210 West Main Street, P.O. Box 2066, Jackson, TN 38302-2066, Amount Awarded: \$372,023.76

*State Housing Finance Agencies (22)*

Atlanta (SHFA)

Alabama Housing Finance Authority, 2000 Interstate Park, Suite 408, Montgomery, AL 36109, Amount Awarded: \$35,284.00

Georgia Housing & Finance Authority, 60 Executive Park South, Atlanta, GA 30329-2231, Amount Awarded: \$55,967.00

Kentucky Housing Corporation, 1231 Louisville Road, Frankfort, KY 40601, Amount Awarded: \$54,751.00

Mississippi Home Corporation, 735 Riverside Drive, P.O. Box 23369, Jackson, MS 39225-3369, Amount Awarded: \$50,492.00

South Carolina State Housing Finance & Development Auth., 919 Bluff Road, Columbia, SC 29201, Amount Awarded:

\$57,791.00

Denver (SHFA)

Kansas Department of Commerce & Housing, Division of Housing, 700 SW Harrison, Suite 1300, Topeka, KS 66603-3712, Amount Awarded: \$43,301.00

New Mexico Mortgage Finance Authority, 344 Fourth Street SW, Albuquerque, NM 87102, Amount Awarded: \$55,507.00

North Dakota Housing Finance Agency, P.O. Box 1535, Bismarck, ND 58502-1535, Amount Awarded: \$50,857.00

South Dakota Housing Development Authority, P.O. Box 1237, Pierre, SD 57501, Amount Awarded: \$35,000.00

State of Texas (Dept of Housing and Community Affairs), 507 Sabine, Suite 900, P.O. Box 13941, Austin, TX 78711-3941, Amount Awarded: \$49,985.00

Philadelphia (SHFA)

Connecticut Housing Finance Agency, 999 West Street, Rocky Hill, CT 06067, Amount Awarded: \$26,714.00

Delaware State Housing Authority, Carvel State Building, 801 North French Street—10th Floor, Wilmington, DE 19801, Amount Awarded: \$24,850.00

Maine State Housing Authority, 353 Water Street, Augusta, ME 04330-4633, Amount Awarded: \$27,646.00

Maryland Department of Housing and Community Development, 100 Community Place, Crownsville, MD 21032, Amount Awarded: \$22,054.00

Massachusetts Housing Finance Agency, One Beacon St., Boston, MA 02108, Amount Awarded: \$24,229.00

New Hampshire Housing Finance Authority, P.O. Box 5087, Manchester, NH 03108, Amount Awarded: \$27,646.00

Pennsylvania Housing Finance Agency, 2101 North Front St., Harrisburg, PA 17105, Amount Awarded: \$23,298.00

Rhode Island Housing & Mortgage Finance Corporation, 44 Washington St., Providence, RI 02903, Amount Awarded: \$31,376.00

State of Michigan, 401 S. Washington Square, Lansing, MI 48909, Amount Awarded: \$31,376.00

Virginia Housing Development Authority, 601 S. Belvidere St., Richmond, VA 23220, Amount Awarded: \$27,956.00

Santa Ana (SHFA)

Oregon Housing and Community Service Department, 1600 State Street, Salem, OR 97301-4246, Amount Awarded: \$118,292.00

Washington State Housing Finance Commission, 1000 Second Avenue, Suite 2700, Seattle, WA 98104-1046, Amount Awarded: \$105,993.00

*Local Organizations (328)*

Atlanta (HOC)

Access Living of Metropolitan Chicago, 310 South Peoria Street, Suite 201, Chicago, IL 60607 Amount Awarded: 20,847.00, Amount Awarded: \$20,847.00

Affordable Housing Coalition, 34 Wall Street, Suite 607, Asheville, NC 28801, Amount Awarded: \$8,160.00

Alabama Council on Human Relations, P.O. Drawer 1632, 319 West Glenn Avenue,

Auburn, AL 36831-1632, Amount

Awarded: \$6,227.00

Anderson Council on Housing Authority, 528 West 11th Street, Anderson, IN 46016, Amount Awarded: \$9,727.00

Appalachian Housing & Redevelopment (Rome Housing Authority), 800 North Fifth Avenue, Rome, GA 30162, Amount Awarded: \$13,101.00

Birmingham Urban League, Inc., 1717 4th Avenue North, P.O. Box 11269, Birmingham, AL 35202-1269, Amount Awarded: \$6,116.00

C.C.C.S. of Middle Tennessee, Inc., P.O. Box 160328, Nashville, TN 37216-0328, Amount Awarded: \$9,618.00

Campbellsville Housing and Redevelopment Authority, P.O. Box 597, 400 Ingram Ave., Campbellsville, KY 42719, Amount Awarded: \$7,653.00

Carolina Regional Legal Services, Inc., P.O. Box 479, 279 West Evans Street, Florence, SC 29503-0479, Amount Awarded: \$7,971.00

CEIBA Housing & Economic Development Corporation, Ave., Lauro Pinero #252, P.O. Box 203, Ceiba, PR 00735, Amount Awarded: \$43,477.00

Central Florida Community Development Corp., P.O. Box 15065, Daytona Beach, FL 32115, Amount Awarded: \$13,376.00

Chicago Commons, 915 North Wolcott Avenue, Chicago, IL 60622, Amount Awarded: \$19,145.00

Citizens for Affordable Housing, Inc., 1719 West End Avenue, Suite 607 W, Nashville, TN 37203, Amount Awarded: \$10,476.00

City of Albany, Georgia, 230 S. Jackson St., Suite 315, Albany, GA 31701, Amount Awarded: \$22,676.00

City of Bloomington, P.O. Box 100, 401 N. Morton Street, Bloomington, IN 47402, Amount Awarded: \$8,214.00

Cobb Housing, Inc., 700 Sandy Plains Road, Suite B-8, Marietta, GA 30066, Amount Awarded: \$16,629.00

Community Action & Community Development Agency O, P.O. Box 1788, 207 Commerce Circle, SW, Decatur, AL 35602, Amount Awarded: \$10,564.00

Community Action Agency Huntsville/Madison & Limestone, 3516 Stringfield Road, P.O. Box 3975, Huntsville, AL 35810-0975, Amount Awarded: \$6,450.00

Community Action Agency of Northwest AL, 745 Thompson Street, Florence, AL 35630, Amount Awarded: \$7,784.00

Community Action of Greater Indianapolis, Inc., 2445 North Meridian Street, Indianapolis, IN 46208, Amount Awarded: \$8,970.00

Community and Economic Development Assoc. of Cook County, 208 South LaSalle, Suite 1900, Chicago, IL 60604-1001, Amount Awarded: \$22,000.00

Community Equity Investments, Inc. (CEII), 302 North Barcelona Street, Pensacola, FL 32501, Amount Awarded: \$17,000.00

Consumer Credit Counseling Service of Western NC, 50 South French Broad Ave., Suite 212, Asheville, NC 28801, Amount Awarded: \$8,160.00

Consumer Credit Counseling of NWI, Inc., 3637 Grant Street, Gary, IN 46408-1439,

Amount Awarded: \$9,186.00  
 Consumer Credit Counseling Service, 220 Coral Sands Drive, Rockledge, FL 32955, Amount Awarded: \$19,293.00  
 Consumer Credit Counseling Service of East TN, 1011 North Broadway, P.O. Box 3924, Knoxville, TN 37927, Amount Awarded: \$6,573.00  
 Consumer Credit Counseling Service of FL Gulf Coast, Inc., 5201 W. Kennedy Blvd., Suite 110, Tampa, FL 33609, Amount Awarded: \$32,431.00  
 Consumer Credit Counseling Service of Greater Chicago, 150 N. Wacker Drive, Suite #1400, Chicago, IL 60606, Amount Awarded: \$20,500.00  
 Consumer Credit Counseling Service of Palm Beach Co., 2330 Congress Avenue South, Suite 1A, West Palm Beach, FL 33406, Amount Awarded: \$47,538.00  
 Consumer Credit Counseling Service of South FL, 11645 Biscayne Blvd. #205, No. Miami, FL 33181, Amount Awarded: \$50,000.00  
 Consumer Credit Counseling Service of West Florida, 14 Palafox Place, Pensacola, FL 32501, Amount Awarded: \$12,409.00  
 Craig Stanley Agency, Inc., 2202 E. Elm Street, New Albany, IN 47150, Amount Awarded: \$5,620.00  
 Cumberland Community Action Program, Inc., P.O. Box 2009, 328 Gillespie Street, Fayetteville, NC 28302, Amount Awarded: \$8,323.00  
 Dallas-Selma Community Action Community Development Corporation, 713 Jeff Davis Avenue, P.O. Box 988, Selma, AL 36701, Amount Awarded: \$6,200.00  
 Davidson County Community Action, Inc., P.O. Box 389, Lexington, NC 27293-0389, Amount Awarded: \$6,000.00  
 Dekalb Fulton Housing Counseling Center, Inc., 4151 Memorial Drive, Suite 107-E, Decatur, GA 30032, Amount Awarded: \$50,000.00  
 Dupage Homeownership Center, Inc., 1333 North Main Street, Wheaton, IL 60187, Amount Awarded: \$20,847.00  
 East Winston Community Dev. Corp., 1225 E. Fifth Street, Winston-Salem, NC 27101, Amount Awarded: \$7,018.00  
 Economic Opportunity for Savannah-Chatham County Area, Inc., 618 West Anderson Street, Savannah, GA 31401, Amount Awarded: \$24,187.00  
 Elizabeth City State University, 1704 Weeksville Road, Campus Box 790, Elizabeth City, NC 27909, Amount Awarded: \$8,160.00  
 Empowerment, Inc., 705A West Rosemary Street, Carrboro, NC 27510, Amount Awarded: \$7,018.00  
 Family and Children's Services of Chattanooga, Inc., Osborne Office Park, 6000 Building, Suite 2300, Chattanooga, TN 37411, Amount Awarded: \$7,738.00  
 Family Counseling Services, 1639 Atlantic Boulevard, Jacksonville, FL 32207, Amount Awarded: \$13,173.00  
 Family Service Center, 1800 Main Street, Columbia, SC 29201, Amount Awarded: \$7,239.00  
 Family Services, Inc., 4925 Lacross Road, Suite 215, North Charleston, SC 29406, Amount Awarded: \$6,181.00  
 Gainesville/Hall County Neighborhood Revitalization, P.O. Box 642, Gainesville, GA 30503, Amount Awarded: \$13,600.00  
 Gate City Community Development Corp., 414 Martin Luther King Jr. Drive, Greensboro, NC 27406, Amount Awarded: \$7,344.00  
 Gulf Coast Community Action Agency, Inc., 500 24th Street, P.O. Box 519, Gulfport, MS 39502-0519, Amount Awarded: \$10,347.00  
 Gwinnett Housing Resource Partnership, Inc., 3453 Holcomb Bridge Road, Suite 140, Norcross, GA 30092, Amount Awarded: \$24,691.00  
 Hammond Housing Authority, 7329 Columbia Circle West, Hammond, IN 46324, Amount Awarded: \$9,943.00  
 Hoosier Uplands Economic Development Corporation, 521 West Main Street, Mitchell, IN 47446, Amount Awarded: \$7,133.00  
 Hope of Evansville, Inc., 608 Cherry Street, Evansville, IN 47713, Amount Awarded: \$10,375.00  
 Hope, Incorporated, 1011 Cherry Avenue, Nashville, TN 37203, Amount Awarded: \$14,428.00  
 Housing and Economic Leadership Partners, Inc., 485 Huntington Road, Suite 200, Athens, GA 30606, Amount Awarded: \$22,172.00  
 Housing and Neighborhood Dev. Serv of Central Florida, 2211 Hillcrest St, Orlando, FL 32803, Amount Awarded: \$25,466.00  
 Housing Authority of the Birmingham District, 1826 3rd Avenue South, Birmingham, AL 35233, Amount Awarded: \$8,785.00  
 Housing Authority of the City of Fort Wayne, P.O. Box 13489, 2013 South Anthony Blvd., Fort Wayne, IN 46869-3489, Amount Awarded: \$9,943.00  
 Housing Authority of the City of High Point, 500 East Russell Avenue, High Point, NC 27260, Amount Awarded: \$6,936.00  
 Housing Authority of the County of Lake, IL, 33928 North Route 45, Grayslake, IL 60030, Amount Awarded: \$20,047.00  
 Housing Development Corporation of St. Joseph County, 521 Eclipse Place, South Bend, IN 46628, Amount Awarded: \$9,835.00  
 Housing Education and Economic Development, 3405 Medgar Evers Blvd., Jackson, MS 39213, Amount Awarded: \$18,004.00  
 Interfaith Housing Development Corporation, 620 Lincoln Avenue, Winnetka, IL 60093, Amount Awarded: \$18,932.00  
 Johnston-Lee Community Action, Inc., P.O. Drawer 711, 1102 Massey Street, Smithfield, NC 27577, Amount Awarded: \$6,365.00  
 Knoxville Area Urban League, Inc., 1514 East Fifth Avenue, Knoxville, TN 37917, Amount Awarded: \$5,990.00  
 Knoxville Legal Aid Society, Inc., 502 S. Gay Street, Suite 404, Knoxville, TN 37902, Amount Awarded: \$7,738.00  
 Lake County, 2293 North Main Street, Crown Point, IN 46307, Amount Awarded: \$5,728.00  
 Latin American Association, 2665 Buford Highway, Atlanta, GA 30324, Amount Awarded: \$20,912.00  
 Latin United Community Housing Association, 3541 W. North Avenue, Chicago, IL 60647, Amount Awarded: \$22,000.00  
 Legal Assistance Foundation of Chicago, 111 West Jackson Blvd., Chicago, IL 60604, Amount Awarded: \$20,500.00  
 Legal Services of Upper East TN, Inc., 311 West Walnut Street, P.O. Drawer 360, Johnson City, TN 37605-0360, Amount Awarded: \$6,740.00  
 Lincoln Hills Development Corporation, 302 Main Street, P.O. Box 336, Tell City, IN 47586, Amount Awarded: \$9,186.00  
 Louisville Urban League, 1535 West Broadway, Louisville, KY 40203, Amount Awarded: \$8,231.00  
 Manatee Opportunity Council, Inc., 369 6th Avenue West, Bradenton, FL 34205, Amount Awarded: \$31,517.00  
 Memphis Area Legal Services, 109 N. Main, Suite 200, Memphis, TN 38103-5013, Amount Awarded: \$58,281.00  
 Miami Beach Community Development Corporation, 1205 Drexel Avenue, Miami Beach, FL 33139, Amount Awarded: \$40,000.00  
 Mid-Florida Housing Partnership, Inc., P.O. Box 1345, 330 North Street, Daytona Beach, FL 32115, Amount Awarded: \$16,206.00  
 Mobile Housing Board, 151 South Claiborne Street, P.O. Box 1345, Mobile, AL 36633-1345, Amount Awarded: \$7,562.00  
 Muncie Homeownership and Development Center, 223 S. Walnut Street, Muncie, IN 47305, Amount Awarded: \$9,403.00  
 Neighborhood Legal Assistance, 438 King Street, Charleston, SC 29403, Amount Awarded: \$6,589.00  
 Northern Kentucky Community Center, 824 Greenup Street, P.O. Box 2030, Covington, KY 41011, Amount Awarded: \$5,796.00  
 Northwestern Regional Housing Authority, P.O. Box 2510, Hwy. 105 Ext., Boone, NC 28607, Amount Awarded: \$8,160.00  
 Palmetto Legal Services, 2109 Bull Street, P.O. Box 2267, Columbia, SC 29202, Amount Awarded: \$5,856.00  
 Ponce Neighborhood Housing Service, Inc., Calle Mendez Vigo #57, P.O. Box 330223, Ponce, PR 00733-0223, Amount Awarded: \$43,476.00  
 Purchase Area Housing Corporation, P.O. Box 588, Mayfield, KY 42066, Amount Awarded: \$6,028.00  
 Rogers Park Community Council, 1772 W. Lunt Avenue, Chicago, IL 60626, Amount Awarded: \$11,700.00  
 Sacred Heart Southern Missions Housing Corp., 6144 Highway 161 North, P.O. Box 365, Walls, MS 38680, Amount Awarded: \$18,004.00  
 Sandhills Community Action Program, Inc., 103 Saunders Street, P.O. Box 937, Carthage, NC 28327, Amount Awarded: \$7,344.00  
 South Suburban Housing Center, 18220 Harwood Avenue, Suite 1, Homewood, IL 60430, Amount Awarded: \$21,274.00  
 Spanish Coalition for Housing, 4035 West North Avenue, Chicago, IL 60639, Amount Awarded: \$22,000.00  
 Tallahassee Urban League, Inc., 923 Old

- Bainbridge Road, Tallahassee, FL 32303, Amount Awarded: \$9,546.00
- Tenant Services & Housing Counseling, Inc., 136 N. Martin Luther King Blvd., Lexington, KY 40507, Amount Awarded: \$11,593.00
- The Agricultural & Labor Program, Inc., P.O. Box 3126, Winter Haven, FL 33885, Amount Awarded: \$20,000.00
- The Housing Authority of the City of Montgomery, 1020 Bell Street, Montgomery, AL 36104, Amount Awarded: \$7,450.00
- Trident United Way, 6296 Rivers Avenue, North Charleston, SC 29419, Amount Awarded: \$6,181.00
- Unified Government of Athens-Clarke County, 155 E. Washington St., P.O. Box 1868, Athens, GA 30603, Amount Awarded: \$15,873.00
- United Family Services, 301 South Brevard Street, Charlotte, NC 28202, Amount Awarded: \$7,915.00
- Urban League of Greater Columbus, 802 First Avenue, Columbus, GA 31901, Amount Awarded: \$12,849.00
- Vollintine-Evergreen Community Association (VECA)-CDC, 1680 Jackson Avenue, Memphis, TN 38107, Amount Awarded: \$42,781.00
- Wateree Community Action, Inc., Post Office Box 1838, 13 South Main Street, Sumter, SC 29151, Amount Awarded: \$6,913.00
- West Perrine Community Development Corporation, 17623 Homestead Avenue, Miami, FL 33157, Amount Awarded: \$40,000.00
- Wil-Low Nonprofit Housing, Inc., P.O. Box 383, 200 A Commerce Street, Hayneville, AL 36040, Amount Awarded: \$6,338.00
- Wilson Community Improvement Association, Inc., 504 E. Green Street, Wilson, NC 27893, Amount Awarded: \$7,507.00
- Woodbine Community Organization, 222 Oriol Avenue, Nashville, TN 37210, Amount Awarded: \$16,145.00
- Wyman Fields Foundation, Inc., 207 N. Moss Road, Suite 105, Winter Springs, FL 32708, Amount Awarded: \$18,521.00
- Denver (HOC)
- Adams County Housing Authority, 7190 Colorado Blvd., Commerce City, CO 80022, Amount Awarded: \$20,714.00
- Avenida Guadalupe Association, 1327 Guadalupe Street, San Antonio, TX 78207, Amount Awarded: \$29,161.00
- Black Hills Legal Services, Inc., 621 6th Street, Suite 202, P.O. Box 1500, Rapid City, SD 57709, Amount Awarded: \$3,575.00
- Boulder County Housing Authority, PO Box 471, Boulder, CO 80306, Amount Awarded: \$18,539.00
- Brothers Redevelopment, Inc. 2250 Eaton St., Garden Level, Suite B, Denver, CO 80214, Amount Awarded: \$16,468.00
- Carver County Housing & Redevelopment Authority, 500 N. Pine Street, Suite 204, Chaska, MN 55318, Amount Awarded: \$12,508.00
- CCCS of Central Oklahoma, Inc., 3230 N. Rockwell Avenue, Bethany, OK 73008, Amount Awarded: \$13,736.00
- CCCS of Greater Dallas, Inc., 8737 King George Dr., Suite 200, Dallas, TX 75235
- Amount Awarded: \$65,105.00
- CCCS of Northeastern Iowa, 1003 West 4th Street, Waterloo, IA 50702, Amount Awarded: \$4,429.00
- CCCS of Salina, 1201 West Walnut, Salina, KS 67401, Amount Awarded: \$15,376.00
- CCCS of the Black Hills, Inc., 111 Saint Joseph Street, Rapid City, SD 57709, Amount Awarded: \$3,421.00
- Chickasaw Nation, Division of Housing, P.O. Box 788, Ada, OK 74821, Amount Awarded: \$9,688.00
- City of Des Moines (Services for Homeowner's Program (SHOP)), Department of Community Development, 602 East First Street, Des Moines, IA 50309-1881, Amount Awarded: \$5,074.00
- City of Fort Worth, Housing Department, 1000 Throckmorton Street, Fort Worth, TX 76102, Amount Awarded: \$55,992.00
- City of San Antonio, 115 Plaza de Armas, Suite 230, San Antonio, TX 78205, Amount Awarded: \$26,363.00
- City Vision Ministries, Inc., 1321 N. 7th Street, Kansas City, KS 66101, Amount Awarded: \$12,207.00
- Community Action Agency of Oklahoma City and OK/CN Counties, 1900 NW 10th Street, Oklahoma City, OK 73106, Amount Awarded: \$13,085.00
- Community Action for Suburban Hennepin, 33 10th Avenue South, Suite 150, Hopkins, MN 55343, Amount Awarded: \$17,492.00
- Community Action Services, 257 East Center Street, Provo, UT 84606, Amount Awarded: \$21,923.00
- Community Action, Inc. of Rock and Walworth Counties, 2300 Kellogg Avenue, Janesville, WI 53546, Amount Awarded: \$9,959.00
- Community Development Authority of the City of Madison, 215 Martin Luther King Jr Blvd, Ste 318, P.O. Box 1785, Madison, WI 53701-1785, Amount Awarded: \$16,236.00
- Community Development Corporation of Brownsville, 1150 E. Adams St., Second Floor, Brownsville, TX 78520, Amount Awarded: \$29,161.00
- Community Development Support Association (CDSA), 2615 E. Randolph, Enid, OK 73701, Amount Awarded: \$10,199.00
- Community Services League, 300 W. Maple, P.O. Box 4178, Independence, MO 64051, Amount Awarded: \$15,011.00
- Crowley's Ridge Development Council, Inc., 249 S. Main, P.O. Box 1497, Jonesboro, AR 72401, Amount Awarded: \$9,625.00
- Dallas Urban League, 4315 South Lancaster Road, Dallas, TX 75216, Amount Awarded: \$45,956.00
- Desire Community Housing Corporation, 2709 Piety Street, New Orleans, LA 70131, Amount Awarded: \$15,779.00
- District 7 Human Resources Development Council, 7 North 31st Street, P.O. Box 2016, Billings, MT 59103, Amount Awarded: \$4,483.00
- E'TRAD (Education, Training, Research and Development), 4820 Santana Circle, Suite A, Columbia, MO 65203, Amount Awarded: \$13,842.00
- East Arkansas Leal Services, P.O. Box 1149, 500 East Broadway, West Memphis, AR 72303, Amount Awarded: \$11,616.00
- Family Housing Advisory Services, Inc., 2416 Lake Street, Omaha, NE 68111, Amount Awarded: \$17,105.00
- Family Life Center/Utah State University, 493 North 700 East, Logan, UT 84321, Amount Awarded: \$17,383.00
- Family Management Credit Counselors, Inc. (FMCCI), 1409 W. 4th Street, Waterloo, IA 50702, Amount Awarded: \$4,693.00
- Family Service Agency, 4504 Burrow Drive, P.O. Box 16615, North Little Rock, AR 72231-6615, Amount Awarded: \$10,537.00
- Grand Junction Housing Authority, 805 Main Street, Grand Junction, CO 81501, Amount Awarded: \$16,468.00
- Greater Kansas City Housing Information Center, 3810 Paseo, Kansas City, MO 65109-2721, Amount Awarded: \$15,926.00
- Gulf Coast Community Services Association, 5000 Gulf Freeway, Houston, TX 77023, Amount Awarded: \$100,000.00
- Hawkeye Area Community Action Program, Inc., 5560 6th SW, P.O. Box 789, Cedar Rapids, IA 52406-0789, Amount Awarded: \$5,573.00
- Housing and Credit Counseling, Inc., 1195 SW Buchanan, Suite 101, Topeka, KS 66604-1183, Amount Awarded: \$15,255.00
- Housing Authority of the Cherokee Nation, P.O. Box 1007, Tahlequah, OK 74465, Amount Awarded: \$14,062.00
- Housing Authority of the City of Lawton, OK, 609 Southwest Avenue, Lawton, OK 73501, Amount Awarded: \$11,968.00
- Housing Options Provided for the Elderly, 4265 Shaw Avenue, St. Louis, MO 63110, Amount Awarded: \$5,000.00
- Housing Partners of Tulsa, Inc., 415 E. Independence, P.O. Box 6369, Tulsa, OK 74148-0369, Amount Awarded: \$28,648.00
- In Affordable Housing, Inc., 1200 John Barrow Rd., Ste 109, Little Rock, AR 72205, Amount Awarded: \$12,943.00
- Justine Petersen Housing & Reinvestment Corp., 5031 Northrup, St. Louis, MO 63110, Amount Awarded: \$19,099.00
- Lafayette Consolidated Government, P.O. Box 4017-C, Lafayette, LA 70502-4017, Amount Awarded: \$14,879.00
- Legal Aid Service of N.E. Minnesota, 302 Ordean Building, 424 W. Superior Street, Duluth, MN 55802, Amount Awarded: \$10,627.00
- Legal Services of Eastern Missouri, Inc., 4232 Forest Park Avenue, St. Louis, MO 63108, Amount Awarded: \$19,529.00
- Lincoln Action Program, Inc., 210 O Street, Lincoln, NE 68508, Amount Awarded: \$15,488.00
- Marshall Housing Authority, 1401 Poplar Street, P.O. Box 609, Marshall, TX 75671, Amount Awarded: \$25,296.00
- Neighbor to Neighbor, Inc., 424 Pine Street, Suite 203, Fort Collins, CO 80524, Amount Awarded: \$18,228.00
- Norman Housing Authority, 700 N. Berry Rd., Norman, OK 73069, Amount Awarded: \$11,735.00
- Northeast Denver Housing Center, 1735 Gaylord St., Denver, CO 80206, Amount Awarded: \$15,121.00

- Northeast Kansas Community Action Program (NEK-CAP, Inc.), Community Services Department, P.O. Box 380, Hiawatha, KS 66434, Amount Awarded: \$15,986.00
- Northwest Montana Human Resources, Inc., 214 Main, P.O. Box 8300, Kalispell, MT 59904-1300, Amount Awarded: \$4,103.00
- Oglala Sioux Tribe Partnership for Housing, Inc., P.O. Box 3001, Pine Ridge, SD 57770, Amount Awarded: \$3,355.00
- Our Casas Resident Council, Inc., 3006 Guadalupe Street, San Antonio, TX 78207, Amount Awarded: \$18,410.00
- Parish of Jefferson, 1221 Elmwood Park Blvd., Suite 402, Jefferson, LA 70123, Amount Awarded: \$13,898.00
- Project Bravo Inc., 4838 Montana Avenue, El Paso, TX 79903, Amount Awarded: \$49,242.00
- San Antonio Development Agency, 115 E. Travis Street, Suite 800, San Antonio, TX 78205, Amount Awarded: \$18,557.00
- Senior Housing, Inc., 2021 East Hennipin, Suite 130, Minneapolis, MN 55413, Amount Awarded: \$16,646.00
- Southeastern North Dakota Community Action Agency, 3233 South University Drive, P.O. Box 2683, Fargo, ND 58104, Amount Awarded: \$13,495.00
- Southwest Community Resources, 295 Girard Street, Durango, CO 81301, Amount Awarded: \$14,293.00
- St. Martin, Iberia, Lafayette Community Action Agency, Inc., 501 St. John Street, P.O. Box 3343, Lafayette, LA 70502, Amount Awarded: \$12,100.00
- St. Mary Community Action Committee Assoc., Inc., PO Box 271, Franklin, LA 70538, Amount Awarded: \$12,427.00
- St. Paul Housing Information Office, 25 West Fourth Street, Room 150, St. Paul, MN 55102, Amount Awarded: \$12,414.00
- St. Paul Urban League, 401 Selby Avenue, St. Paul, MN 55102, Amount Awarded: \$16,552.00
- T.A.C.T.I.C.S., Inc., (DBA Pilot City Neighborhood Service Ct), 1315 Penn Avenue North, Minneapolis, MN 55411, Amount Awarded: \$13,637.00
- Tarrant County Housing Partnership, Inc., 603 West Magnolia Ave., Suite 207, Ft. Worth, TX 76104, Amount Awarded: \$49,354.00
- The Center for Assistance & Direction/CCCS of Gtr Siouxland, 715 Douglas Street, Sioux City, IA 51101-1021, Amount Awarded: \$3,490.00
- Universal Housing Development Corp., PO Box 846, Russellville, AR 72811, Amount Awarded: \$10,869.00
- Urban League of Wichita, Inc., 1802 East 13th Street N., Wichita, KS 67214, Amount Awarded: \$14,767.00
- West Central Missouri Community Action Agency, PO Box 125, 106 W. 4th, Appleton City, MO 64724, Amount Awarded: \$15,743.00
- Women's Opportunity & Resource Development, 127 N. Higgins, Missoula, MT 59802, Amount Awarded: \$4,635.00
- Your Community Connection, 2261 Adams, Ogden, UT 84401, Amount Awarded: \$15,000.00
- Philadelphia (HOC)
- Albany County Rural Housing Alliance, Inc., P.O. Box 407, 24 Martin Road, Voorheesville, NY 12186, Amount Awarded: \$12,129.00
- Arlington Housing Corporation, 2300 S. 9th St., #200, Arlington, VA 22204, Amount Awarded: \$12,676.00
- Asian Americans for Equality, Inc., 111 Division Street, New York, NY 10002, Amount Awarded: \$17,952.00
- Atlantic Human Resources, Inc., One South New York Ave., Atlantic City, NJ 08401, Amount Awarded: \$10,000.00
- Belmont Shelter Corporation, 1195 Main Street, Buffalo, NY 14209-2196, Amount Awarded: \$12,993.00
- Berks Community Action Program/Budget Counseling Center, Post Office Box 22, Berks County, Reading, PA 19603-0022, Amount Awarded: \$16,001.00
- Better Housing League of Greater Cinti, 2400 Reading Road, Cincinnati, OH 45202, Amount Awarded: \$25,735.00
- Better Neighborhoods Incorporated, 986 Albany Street, Schenectady, NY 12307, Amount Awarded: \$13,331.00
- Bishop Sheen Ecumenical Housing Foundation, Inc., 935 East Avenue, Rochester, NY 14607, Amount Awarded: \$12,545.00
- Black Rock Riverside Neighborhood Housing Services, Inc., 203 Military Road, Buffalo, NY 14207, Amount Awarded: \$10,423.00
- Catholic Charities, 320 Cathedral Street, Baltimore, MD 21201, Amount Awarded: \$12,556.00
- Catholic Charities, Diocese of Metuchen, 540-550 Route 22 East, Brigewater, Somerset, NJ 08807, Amount Awarded: \$13,632.00
- Center City Neighborhood Development Corporation, 1818 Main Street, Niagara Falls, NY 14305, Amount Awarded: \$12,320.00
- Center for Independent Living of Southwestern Penna, 7110 Penn Avenue, Pittsburg, PA 15208, Amount Awarded: \$11,872.00
- Chautauqua Opportunities, Inc., 17 West Courtney Street, Dunkirk, NY 14048, Amount Awarded: \$12,545.00
- Citizen Action of New Jersey, 400 Main Street, Hackensack, NJ 07601, Amount Awarded: \$22,427.00
- City of Frederick, 100 South Market Street, Frederick County, Frederick, MD 21701, Amount Awarded: \$8,001.00
- Coastal Enterprises, Inc., 36 Water Street, Wiscasset, ME 04578, Amount Awarded: \$12,508.00
- Commission on Economic Opportunity, 165 Amber Lane, Wilkes-Barre, PA 18702, Amount Awarded: \$13,001.00
- Community Action Commission of Belmont Cty, 410 Fox-Shannon Place, St. Clairsville, OH 43950, Amount Awarded: \$20,735.00
- Community Action Commission of Fayette County, Inc, 324 East Court Street, Fayette County, OH 43160, Amount Awarded: \$15,735.00
- Community Action Program Madison County, 3 East Main Street, P.O. Box 249, Morrisville, NY 13408, Amount Awarded: \$11,723.00
- Community Action Southwest, 315 East Hallam Avenue, Washington, PA 15301, Amount Awarded: \$12,031.00
- Community Assistance Network, Inc., 7701 Dunmanway, Baltimore, MD 21222, Amount Awarded: \$11,556.00
- Community Development Corporation of Long Island, 2100 Middle Country Road, Centereach, NY 11720, Amount Awarded: \$13,223.00
- Community Housing, Inc., 613 Washington Street, Wilmington, DE 19801, Amount Awarded: \$12,001.00
- Consumer Credit Counseling Service of Greater Washington, 15847 Crabbs Branch Way, Rockville, MD 20855, Amount Awarded: \$11,075.00
- Consumer Credit Counseling Services of Maine Inc, 111 Wescott Road South Portland, ME 04106, Amount Awarded: \$12,644.00
- Cortland Housing Assistance Council, Inc., 159 Main Street, Cortland, NY 13045, Amount Awarded: \$7,000.00
- County Commissioner of Carroll County, 10 Distillery Drive, Suite 101, Westminster, MD 21157-5194, Amount Awarded: \$11,917.00
- Cypress Hills Local Development Corp., 625 Jamaica Avenue, Kings County, Brooklyn, NY 11208, Amount Awarded: \$12,952.00
- Detroit Non-Profit Housing Corporation, 1200 Sixth Street, Suite 404, Detroit, MI 48226, Amount Awarded: \$26,833.00
- Druid Heights Community Development Corporation, 1821 McCulloh Street, Baltimore, MD 21217, Amount Awarded: \$14,587.00
- Economic Opportunity Cabinet of Schuylkill County, 225 N. Centre Street, Pottsville, PA 17901, Amount Awarded: \$12,314.00
- Fair Housing Contact Service, 333 South Main Street—Suite 300, Akron, OH 44308, Amount Awarded: \$25,735.00
- Family and Children's Association, 336 Fulton Avenue, Hempstead, NY 11550, Amount Awarded: \$12,675.00
- Family Service—Upper Ohio Valley, 51 Eleventh Street, Wheeling, WV 26003, Amount Awarded: \$12,551.00
- Fayette County Community Action Agency, Inc, 137 N. Beeson Avenue, Uniontown, PA 15401, Amount Awarded: \$11,713.00
- First State Community Action Agency, Inc., 308 North Railroad Avenue, P.O. Box 877, Georgetown, DE 19947, Amount Awarded: \$16,502.00
- Garfield Jubilee Association, Inc., 5138 Penn Avenue, Pittsburgh, PA 15224, Amount Awarded: \$12,232.00
- Greater Boston Legal Services, Inc., 197 Friend Street, Boston, MA 02114, Amount Awarded: \$15,631.00
- Hampton Redevelopment & Housing Authority, P.O. Box 280, 22 Lincoln Street, Hampton, VA 23669, Amount Awarded: \$11,052.00
- Harford County, 15 South Main Street—Suite 106, Harford County, Bel Air, MD 21014, Amount Awarded: \$11,028.00
- Harlem Park Revitalization Corporation, 1017 Edmondson Avenue, Baltimore, MD 21223, Amount Awarded: \$12,389.00
- Harrisburg Fair Housing Council, 2100 North 6th Street, Harrisburg, PA 17110, Amount Awarded: \$11,052.00



- Amount Awarded: \$12,480.00  
Home Partnership, Inc., 1221 B Brass Mill Road, Belcamp, MD 21017, Amount Awarded: \$14,189.00  
Housing Coalition of Central Jersey, 78 New Street, New Brunswick, NJ 08901, Amount Awarded: \$15,428.00  
Housing Consortium for Disabled Individuals, 4040 Market Street, Philadelphia, PA 19104, Amount Awarded: \$11,790.00  
Housing Council of York, Inc., 116 North George Street, York County, York, PA 17401, Amount Awarded: \$17,506.00  
Housing Counseling Services, Inc., 2430 Ontario Road N.W., Washington, DC 20009, Amount Awarded: \$30,000.00  
Housing Oppor. Made Equal of Richmond, 2201 West Broad St—Suite 200, Richmond, VA 23220, Amount Awarded: \$12,197.00  
Isles Inc., 10 Wood Street, Trenton, NJ 08618, Amount Awarded: \$14,879.00  
Jamaica Housing Improvement, Inc., 161–10 Jamaica Avenue, Suite 601, Jamaica, NY 11432, Amount Awarded: \$16,693.00  
Jersey Counselling and Housing Development, Inc., 1840 South Broadway, Camden City, NJ 08104, Amount Awarded: \$15,876.00  
Keystone Legal Services, Inc., 2054 East College Ave., State College, PA 16801, Amount Awarded: \$12,087.00  
Long Island Housing Services, Inc., 3900 Veterans Memorial Highway—Suite 251, Bohemia, NY 11716, Amount Awarded: \$14,693.00  
Lutheran Housing Corporation, 13944 Euclid Avenue, Suite 208, East Cleveland, OH 44112, Amount Awarded: \$25,735.00  
Lynchburg Community Action Group, Inc., 1310 Church Street, Lynchburg, VA 24504, Amount Awarded: \$12,988.00  
Margert Community Corporation, 1931 Mott Avenue, Room 412, Far Rockaway, NY 11691, Amount Awarded: \$12,133.00  
Marshall Heights Community Dev., Org. 3917 Minnesota Avenue, Washington, DC 20019, Amount Awarded: \$25,000.00  
Maryland Rural Development Corporation, 428 4th Street, Annapolis, MD 21403, Amount Awarded: \$11,917.00  
Mercer County Hispanic Assn.—MECHA, 200 East State Street 2nd Floor, P.O. Box 1331, Trenton, NJ 08607, Amount Awarded: \$13,576.00  
Metro Interfaith Services, Inc., 21 New Street, Binghamton, NY 13903, Amount Awarded: \$10,018.00  
Michigan Housing Counselors, Inc., 237 S.B. Gratiot, Mt. Clemens, MI 48043, Amount Awarded: \$18,856.00  
Monmouth County Board of Chosen Freeholders, P.O. Box 1255, Freehold, NJ 07728, Amount Awarded: \$15,391.00  
Monticello Area Community Action Agency, 1025 Park Street, Charlottesville, VA 22901, Amount Awarded: \$10,197.00  
NCALL Research, Inc., 20 East Division Street, P.O. Box 1092, Dover, DE 19903–1092, Amount Awarded: \$14,165.00  
Near Northeast Community Improvement Corporation, 1326 Florida Avenue—N.E., Washington, DC 20002, Amount Awarded: \$20,000.00  
Neighborhood Housing Services of New Britain, Inc 223 Broad Street, New Britain, CT 06053, Amount Awarded: \$31,622.00  
Neighborhood Housing Services of NYC, 121 W. 27th Street, New York, NY 10001, Amount Awarded: \$12,223.00  
Neighbors Helping Neighbors, Inc., 5313 5th Avenue, Brooklyn, NY 11220, Amount Awarded: \$12,946.00  
Northwest Counseling Service, Inc., 5001 North Broad Street, Philadelphia, PA 19141, Amount Awarded: \$17,793.00  
Oakland County Michigan, 1200 North Telegraph Road, Oakland County, Pontiac, MI 48341–9901, Amount Awarded: \$29,009.00  
Office of Human Affairs, 6060 Jefferson Avenue., Suite 12C, P.O. Box 37, Newport News, VA 23607, Amount Awarded: \$12,676.00  
Open Housing Center, Inc., 594 Broadway, Suite 608, New York, NY 10012, Amount Awarded: \$13,314.00  
Paterson Coalition for Housing, Inc., 262 Main Street, 5th Floor, Paterson, NJ 07505, Amount Awarded: \$13,412.00  
People Incorporated of Southwest Virginia, 1173 West Main Street, Abington, VA 24210, Amount Awarded: \$10,988.00  
Philadelphia Council for Community Advancement, 100 North 17th Street, Suite 700, Philadelphia, PA 19107, Amount Awarded: \$16,937.00  
Piedmont Housing Alliance, 515 Park Street, Charlottesville, VA 22902, Amount Awarded: \$12,468.00  
Plymouth Redevelopment Authority, 11 Lincoln Street, Plymouth, MA 02360, Amount Awarded: \$14,000.00  
Pontiac Neighborhood Housing Services, 69 South Ardmore, Pontiac, MI 48342, Amount Awarded: \$35,174.00  
Prince William County, 8033 Ashton Avenue, Suite 105, Manassas, VA 20109, Amount Awarded: \$16,409.00  
Putnam County Housing Corporation, 5 Seminary Hill Road, Carmel, NY 10512, Amount Awarded: \$11,494.00  
Quincy Community Action Programs, Inc., 1509 Hancock Street, Norfolk County, Quincy, MA 02169, Amount Awarded: \$10,500.00  
Resources for Human Development, 4333 Kelly Drive, Philadelphia, PA 19129, Amount Awarded: \$11,563.00  
Rockland Housing Action Coalition, Inc., 747 Chestnut Street, Chestnut Ridge, NY 10977, Amount Awarded: \$12,133.00  
Rural Sullivan County Housing Opp., Inc., P.O. Box 1497, Monticello, NY 12701, Amount Awarded: \$14,900.00  
Rural Ulster Preservation Company, Inc., 289 Fair Street, Ulster County, Kingston, NY 12401, Amount Awarded: \$11,090.00  
Senior Citizens United Community Services of CC, Inc, 146 Black Horse Pike, Mt. Ephraim, NJ 08059, Amount Awarded: \$8,000.00  
Shore Up, Inc., 520 Snow Hill Rd, Salisbury, MD 21803, Amount Awarded: \$12,352.00  
Skyline Cap, Inc, P.O. Box 588, Madison, VA 22727, Amount Awarded: \$12,532.00  
Somerset County Coalition on Affordable Housing, One West Main Street, 2nd Floor, Somerville, NJ 08876, Amount Awarded: \$17,265.00  
Southeast Development, Inc., 10 South Wolfe Street, Baltimore, MD 21234, Amount Awarded: \$11,871.00  
Southside Community Development & Housing Corp., 1624 Hull Street, Richmond, VA 23224, Amount Awarded: \$11,884.00  
St. Ambrose Housing Aid Center, 321 East 25th Street, Baltimore, MD 21218, Amount Awarded: \$12,278.00  
Tabor Community Services Inc, 439 East King St., Lancaster, PA 17602, Amount Awarded: \$14,313.00  
Telamon Corporation, 4915 Radford Avenue, Suite 202–A, Richmond, VA 23230, Amount Awarded: \$12,197.00  
The Housing Council in the Monroe County Area, 183 East Maint Street, Suite 1100, Rochester, NY 14604, Amount Awarded: \$11,993.00  
The Trehab Center, 10 Public Avenue, P.O. Box 366, Montrose, PA 18801, Amount Awarded: \$14,301.00  
Total Action Against Poverty (TAP), 145 Campbell Avenue, S.W., Roanoke, VA 24001–2868, Amount Awarded: \$13,721.00  
Tri-Churches Housing, Inc., 815 Scott Street, Baltimore, MD 21230, Amount Awarded: \$11,000.00  
University Legal Services, 300 I Street, NE, Suite 202, Washington, DC 20002, Amount Awarded: \$32,537.00  
Urban League of Rhode Island, Inc., 246 Prairie Avenue, Providence County, Providence, RI 02905, Amount Awarded: \$16,747.00  
Virginia Eastern Shore Economic Empowerment & HSG. Corp., P.O. Box 814, Nassawadox, VA 23413, Amount Awarded: \$10,364.00  
Westchester Residential Opportunities, Inc., 470 Mamaroneck Avenue, Suite 410, White Plains, NY 10605, Amount Awarded: \$11,037.00  
YWCA of New Castle County, 233 King Street, Wilmington, DE 19801, Amount Awarded: \$15,051.00  
Santa Ana (HOC)  
Access, Inc., 3630 Aviation Way, Medford, OR 97504, Amount Awarded: \$5,024.00  
Administration of Resources and Choices, 209 South Tucson Blvd., P.O. Box 86802, Tucson, AZ 85754, Amount Awarded: \$10,961.00  
Central Oregon Comm Action Agency Network, 2303 SW First Street, Redmond, OR 97756, Amount Awarded: \$5,648.00  
Chicanos por la Causa, Inc., 1112 East Buckeye Road, Phoenix, AZ 85034, Amount Awarded: \$50,000.00  
City of Vacaville, Office of Housing and Redevelopment, 40 Eldridge Avenue, Suite 1–5, Vacaville, CA 95688, Amount Awarded: \$9,652.00  
Community Action Agency, 124 New 6th Street, Lewiston, ID 83501, Amount Awarded: \$25,775.00  
Community Health Center La Clinica, P.O. Box 1323, Pasco, WA 99301, Amount Awarded: \$18,203.00  
Community Housing & Credit Counseling Center (CHCCC), 1001 Willow St., Chico, CA 95928, Amount Awarded: \$29,594.00



Community Housing & Shelter Services, PO Box 881, Modesto, CA 95353, Amount Awarded: \$40,000.00

Community Housing Resource Center, 5212 NE St. John Road, Suite B, Vancouver, WA 98661, Amount Awarded: \$8,373.00

Consumer Credit Counseling Service of Alaska, 208 East 4th Avenue, Anchorage, AK 99501, Amount Awarded: \$12,357.00

Consumer Credit Counseling Service of Central Valley Inc, 4969 E. McKinley, Suite #107, Fresno, CA 93727, Amount Awarded: \$53,092.00

Consumer Credit Counseling Service of Inland Empire, 6370 Magnolia Avenue, Suite 200, Riverside, CA 92506, Amount Awarded: \$100,000.00

Consumer Credit Counseling Service of Los Angeles, 500 Citadel Drive, Suite #300, Los Angeles, CA 90040, Amount Awarded: \$100,000.00

Consumer Credit Counseling Service of Mid Counties, 2575 Grand Canal Blvd., Suite 100, Stockton, CA 95207, Amount Awarded: \$36,768.00

Consumer Credit Counseling Service of Orange County, P.O. Box 11330, 1920 Old Tustin Avenue, Santa Ana, CA 92705, Amount Awarded: \$40,000.00

Consumer Credit Counseling Service of South Nevada, 3650 S. Decatur, Suite 30, Las Vegas, NV 89103, Amount Awarded: \$38,661.00

Consumer Credit Counseling Service of the Sacramento Valley, 8795 Folsom Blvd., Suite 250, Sacramento, CA 95826, Amount Awarded: \$36,172.00

Consumer Credit Counselors of Kern County, Inc., 5300 Lennox Avenue, Suite 200, Bakersfield, CA 93309, Amount Awarded: \$44,971.00

Consumer Credit Counselors of San Diego and Imperial Co., 1550 Hotel Circle N., Suite 110, San Diego, CA 92108-2907, Amount Awarded: \$13,945.00

Consumer Credit Service of the East Bay, 333 Hezenberger Road, Suite 710, Oakland, CA 94621, Amount Awarded: \$8,588.00

Eden Council for Hope and Opportunity, 770 A Street, Hayward, CA 94541, Amount Awarded: \$11,096.00

Family Housing Resources, Inc., 3777 East Broadway, Suite 100, Tucson, AZ 85716, Amount Awarded: \$7,307.00

Fremont Public Association, P.O. Box 31151, Seattle, WA 98103, Amount Awarded: \$24,630.00

Housing Authority of the County of Santa Barbara, 815 W. Ocean Avenue, P.O. Box 397, Lompoc, CA 93436-6526, Amount Awarded: \$25,000.00

Housing Authority of the County of Santa Cruz, 2160 41st Avenue, Capitola, CA 95010-2060, Amount Awarded: \$5,928.00

Inland Fair Housing and Mediation Board, 1005 Begonia Avenue, Ontario, CA 91762, Amount Awarded: \$65,485.00

Labor's Community Service Agency, 5818 N. 7th Street, #100, Phoenix, AZ 85014, Amount Awarded: \$57,020.00

Legal Aid Society of Hawaii, 924 Bethel Street, Honolulu, HI 96813, Amount Awarded: \$10,566.00

Neighborhood House Association, 5660 Copley Drive, San Diego, CA 92111,

Amount Awarded: \$13,724.00

Open Door Counseling Social Service, 34420 SW Tualatin Valley Highway, Hillsboro, OR 97123, Amount Awarded: \$9,621.00

Orange County Fair Housing Council, 201 South Broadway, Santa Ana, CA 92701-5633, Amount Awarded: \$80,400.00

Pacific Community Services, Inc., P.O. Box 1397, 329 Railroad Avenue, Pittsburg, CA 94565, Amount Awarded: \$7,144.00

Pierce County Department of Community Services, Community Action Program, 8811 South Tacoma, Lakewood, WA 98499, Amount Awarded: \$21,710.00

Portland Housing Center, 1605 NE 45th, Portland, OR 97213, Amount Awarded: \$6,600.00

Project Sentinel, 430 Sherman Avenue, Ste 308, Palo Alto, CA 94306, Amount Awarded: \$8,284.00

San Diego Home Loan Counseling Service, 3180 University Avenue, Ste 430, San Diego, CA 92104, Amount Awarded: \$14,658.00

San Francisco Housing Development Corp., 1095 Market Street, Suite 818, San Francisco, CA 94103, Amount Awarded: \$7,296.00

Southeastern Arizona Government Organization, 118 Arizona Street, Bisbee, AZ 85603, Amount Awarded: \$8,715.00

Spokane Neighborhood Action Program, 2116 East First Avenue, Spokane, WA 99202, Amount Awarded: \$26,065.00

Umpqua Community Action Network, 2448 West Harvard, Roseburg, OR 97470, Amount Awarded: \$9,555.00

Washoe Legal Services, 650 Tahoe Street, Reno, NV 89509, Amount Awarded: \$11,261.00

Women's Development Center, 953 E. Sahara, Suite #201, Las Vegas, NV 89128, Amount Awarded: \$40,000.00

[FR Doc. 01-8940 Filed 4-10-01; 8:45 am]

BILLING CODE 4210-27-P

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-4579-FA-07]

### Announcement of Funding Award—FY 2001 Lead-Based Paint Hazard Control National Center for Lead Safe Housing

**AGENCY:** Office of the Secretary—Office of Healthy Homes and Lead Hazard Control.

**ACTION:** Announcement of funding award.

**SUMMARY:** In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989, this announcement notifies the public of a funding decision made by the Department to the National Center for Lead Safe Housing. This announcement contains the name and address of the awardee and the amount of the award.

**FOR FURTHER INFORMATION CONTACT:** Joey Zhou, Department of Housing and

Urban Development, 451 Seventh Street, SW., Washington, DC, 20410, telephone (202) 755-1785, ext. 153 (this is not a toll free number). Hearing- or speech-impaired individuals may access this number by calling the Federal Information Relay Service TTY at 1-800-877-8339.

**SUPPLEMENTARY INFORMATION:** The Lead-Based Paint Hazard Control grant for the National Center for Lead Safe Housing was issued pursuant to Pub. L. 102-550, Title X; FY 2000 budget; House Appropriations Committee Report 2684-21.

This notice announces the award of \$2,999,986.00 to the National Center for Lead Safe Housing which will be used to provide subgrants to National Public Interest Groups, and State and Local agencies to deliver Lead-Based Paint Training.

The Catalog of Federal Domestic Assistance number for this program is 14.900.

In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989 (103 Stat. 1987, 42 U.S.C. 3545), the Department is publishing the name, address, and amount of the award as follows: National Center for Lead Safe Housing, 10227 Wincopin Circle, Suite 205, Columbia, MD 21044. *Amount of Grant:* \$2,999,986.00.

Dated: April 3, 2001.

**David E. Jacobs,**

*Director, Office of Healthy Homes and Lead Hazard Control.*

[FR Doc. 01-8848 Filed 4-10-01; 8:45 am]

BILLING CODE 4210-01-P

## DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

### Office of the Secretary

[Docket No. FR-4572-D-17]

### Delegation of Concurrent Authority to the Deputy Secretary

**AGENCY:** Office of the Secretary, HUD.

**ACTION:** Notice of delegation of concurrent authority.

**SUMMARY:** The Secretary of Housing and Urban Development is delegating to the Deputy Secretary of Housing and Urban Development, concurrently with the Secretary, the power and authority vested in or delegated or assigned to the Secretary of Housing and Urban Development, with the exception of the power to sue and be sued.

**EFFECTIVE DATE:** April 4, 2001.

**FOR FURTHER INFORMATION CONTACT:** Sam E. Hutchinson, Associate General Counsel for Human Resources Law, Office of General Counsel, Department of Housing and Urban Development, Room 10164, 451 7th Street, SW., Washington, DC 20410, telephone (202) 708-0888. This is not a toll-free number. This number may be accessed via TTY by calling the Federal Information Relay Service at 1-800-877-8339.

**SUPPLEMENTARY INFORMATION:** Under section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d), the Secretary of Housing and Urban Development may delegate any of the Secretary's functions, powers and duties to such officers and employees of the Department as the Secretary may designate, and may authorize successive redelegations of such functions, powers and duties as determined to be necessary or appropriate. In the delegation of authority issued today, the Secretary is delegating to the Deputy Secretary of Housing and Urban Development all the power and authority vested in or delegated or assigned to the Secretary of Housing and Urban Development, to be exercised concurrently with the Secretary, with the exception of the power to sue and be sued.

Accordingly, the Secretary delegates as follows:

#### Section A. Authority Delegated

The Deputy Secretary of Housing and Urban Development is hereby authorized, concurrently with the Secretary, to exercise all the power and authority vested in or delegated or assigned to the Secretary of Housing and Urban Development.

#### Section B. Authority Excepted

There is excepted from the authority delegated under Section A., above, the authority to sue and be sued.

#### Section C. Delegations of Authority Rescinded or Superseded

The Delegation of Authority published in the **Federal Register** at 61 FR 353 (January 4, 1996) is hereby superseded. This notice also rescinds the delegation of personnel management authority published in the **Federal Register** at 62 FR 46504 (September 3, 1997).

**Authority:** Section 7(d), Department of Housing and Urban Development Act (42 U.S.C. 3535(d)).

Dated: April 4, 2001.

**Mel Martinez,**  
*Secretary of Housing and Urban Development.*

[FR Doc. 01-8854 Filed 4-10-01; 8:45 am]

**BILLING CODE 4210-32-M**

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

#### Pueblo de Cochiti Liquor Ordinance

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Notice.

**SUMMARY:** This notice publishes the Pueblo de Cochiti Liquor Ordinance. This Ordinance regulates the control of, the possession of, and the sale of liquor on the Pueblo de Cochiti trust and restricted fee lands, and is in conformity with the laws of the State of New Mexico, where applicable and necessary. This Ordinance is intended to amend the original Pueblo de Cochiti Liquor Ordinance that was published in the **Federal Register** of September 13, 1966 and amended by publication in the **Federal Register** of September 30, 1982. Although this Ordinance was adopted on November 20, 2000, it does not become effective until published in the **Federal Register** because the failure to comply with the ordinance may result in criminal charges.

**DATES:** This Ordinance is effective on April 11, 2001.

**FOR FURTHER INFORMATION CONTACT:** Kaye Armstrong, Office of Tribal Services, 1849 C Street, NW, MS 4631-MIB, Washington, DC 20240-4001; telephone (202) 208-4400.

**SUPPLEMENTARY INFORMATION:** Pursuant to the Act of August 15, 1953, Public Law 83-277, 67 Stat. 586, 18 U.S.C. 1161, as interpreted by the Supreme Court in *Rice v. Rehner*, 463 U.S. 713 (1983), the Secretary of the Interior shall certify and publish in the **Federal Register** notice of adopted liquor ordinances for the purpose of regulating liquor transaction in Indian country. The Pueblo de Cochiti Liquor Ordinance, Resolution No. 2000-032, was duly adopted by the Pueblo de Cochiti Tribal Council on November 20, 2000. The Pueblo de Cochiti, in furtherance of its economic and social goals, has taken positive steps to regulate retail sales of alcohol and use revenues to combat alcohol abuse and its debilitating effects among individuals and family members within the Pueblo de Cochiti.

This notice is being published in accordance with the authority delegated

by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 Departmental Manual 8.1.

I certify that by Resolution No. 2000-032, the Pueblo de Cochiti Liquor Ordinance, was duly adopted by the Pueblo de Cochiti Tribal Council on November 20, 2000.

Dated: March 12, 2001.

**James H. McDivitt,**

*Deputy Assistant Secretary—Indian Affairs (Management).*

The Pueblo de Cochiti Tribal Council Liquor Ordinance, Resolution No. 2000-032, reads as follows:

This amended ordinance duly enacted this 20th day of November 2000, by the Council of the Pueblo of Cochiti, the duly authorized and recognized governing body of the Pueblo de Cochiti, a federally recognized Indian Tribe.

*Whereas*, the Act of Congress of August 15, 1953 (67 Stat. 586) codified at 18 U.S.C. 1161 empowers Indian tribes having appropriate jurisdiction to enact an Ordinance legalizing the introduction, sale and possession of intoxicating beverages within any area of Indian country coming within the jurisdiction of such tribe; and

*Whereas*, the Council of the Pueblo de Cochiti has heretofore, on May 22, 1966, enacted an ordinance legalizing the introduction, sale and possession of intoxicating beverages within the Indian country subject to the jurisdiction of the Pueblo de Cochiti, which ordinance was certified by the Secretary of the Interior and published in the **Federal Register** on September 13, 1966 (31 FR 11988), as required by 18 U.S.C. 1161; and

*Whereas*, the said ordinance was duly amended on May 26, 1981, and was certified and published in the **Federal Register** on September 30, 1982 (47 FR 43192), pursuant to 18 U.S.C. 1161; and

*Whereas*, subsequent to the 1981 amendment, the law governing regulation of liquor transactions in Indian country in New Mexico was fundamentally changed by the case of *Rice v. Rehner*, 463 U.S. 713 (1983) and enactment of § 60-3A-5(D), N.M.S.A. 1978, which provides:

Nothing in the Liquor Control Act applies to:

D. \* \* \* the sale, service, possession or public consumption of alcoholic beverages by any person within the boundaries of lands over which an Indian nation, tribe or pueblo has jurisdiction if the alcoholic beverages are purchased from New Mexico wholesalers and if the sale, service, possession or public consumption of alcoholic beverages is authorized by the laws of the Indian nation, tribe or pueblo having jurisdiction over those lands and is consistent with the ordinance of the Indian nation, tribe or pueblo certified by

the secretary of the interior and published in the **Federal Register** according to the laws of the United States.

*Whereas*, over the years since opening of the Cochiti Dam and Reservoir, there has been a continuous and growing problem involving disorderly conduct and excessive public consumption of alcohol in the Cochiti Dam and Reservoir area by Indians and non-Indians, which conduct has greatly increased the burdens on tribal, federal, and state law enforcement, and has seriously interfered with the development of family and other recreational uses of the Reservoir area, which misconduct cannot be effectively combated without a change in the Pueblo's liquor laws applicable to the Cochiti Reservoir area; and,

*Whereas*, the U.S. Army Corps of Engineers, which manages the lands and waters of the public area and project area of the Cochiti Dam and Reservoir, concurs with the need for this Amended Ordinance and has indicated its intent to promulgate its own restrictions for Cochiti Dam and Reservoir pursuant to 36 CFR part 327 to prohibit the possession and consumption of alcoholic beverages throughout the lands and waters of the public area and project area of the Cochiti Dam and Reservoir, the violation of which may give rise to prosecution by the United States.

*Now, therefore, be it ordained and enacted as follows:*

**Section 1:** The introduction, sale and possession of intoxicating beverages shall be lawful within the Indian country under the jurisdiction of the Pueblo de Cochiti, subject, however, to the following provisions:

(a) Except as set forth in (b) of this Section, and to the extent required by Federal law, such introduction, sale and possession is in conformity with the laws of the State of New Mexico;

(b) The sale of intoxicating beverages within such Indian country by any person other than the Pueblo de Cochiti shall be pursuant to license and regulations issued by the Pueblo de Cochiti Council;

(c) Except as permitted in subsection (d) the introduction, possession, consumption, sale, purchase, or use of intoxicating beverages as defined at 18 U.S.C. 1154 shall again be unlawful as provided by 18 U.S.C. 1154 and 1156 within the following location within the territorial jurisdiction of the Pueblo de Cochiti: all lands and waters encompassed by the easement granted by the Pueblo de Cochiti to the United States of America through the United States Army Corps of Engineers, United States Army Engineer District,

Albuquerque, New Mexico, in connection with the Cochiti Dam and Reservoir as set forth in the Amended Easement Grant and Agreement included in the Master Plan Design Memorandum No. 13, Cochiti Lake, Rio Grande, New Mexico, U.S. Army Engineer District, Albuquerque (May 1973);

(d) This subsection shall not prohibit the transportation in a moving motor vehicle of unopened containers of intoxicating beverages, with the cap, pop top or seal intact, across the area described above; and

(e) The effect of this amended ordinance shall be to reinstate the application of 18 U.S.C. 1154 and 1156 as to all lands and waters within the public area and project area of the Cochiti Dam and Reservoir.

**Section 2:** The Pueblo de Cochiti Council is hereby vested with full power and authority to adopt regulations pursuant to and consistent with this ordinance. Regulations thus adopted are not enforceable until approved by the Secretary.

**Section 3:** Any laws, resolutions or ordinances of the Pueblo de Cochiti in conflict with the provisions of this Ordinance are hereby repealed. Specifically, the said Ordinance of May 22, 1966 as amended May 26, 1981 is hereby amended to conform to this Ordinance.

**Section 4:** In the event any provision of this Ordinance is held to be invalid, or the application of this Ordinance or any provision thereof to any person or circumstances is held to be invalid, the remaining provision for the application of this Ordinance or any provision thereof to other persons or circumstances shall not be affected by such invalidity and to such extent, the terms and provisions of this Ordinance are declared to be severable.

**Section 5:** Civil Penalties. A. The civil penalty for a violation of this Ordinance by any person shall be a fine as may be established from time to time by the Tribal Council of the Pueblo de Cochiti in addition to any other remedy ordered by the tribal court or tribunal. Repeat violators of this Ordinance may be subject to permanent expulsion from the territorial jurisdiction of the Pueblo de Cochiti as a civil penalty upon notice and a hearing on the matter before a Pueblo de Cochiti tribunal.

B. Because this Ordinance is intended to protect the health, safety or welfare of the people of the Pueblo de Cochiti by prohibiting conduct that directly affects the health, safety and welfare of the Tribe, non-Indian violators, as well as Indian violators, shall be subject to

the Pueblo's civil jurisdiction for the enforcement of this Ordinance.

C. For purposes of this Section, "Indian" shall be defined as a person who is a member of a federally recognized tribe, or an Alaskan Native, and who would be an Indian for purposes of 18 U.S.C. 1152 and 1153.

**Section 6:** Criminal Penalties. A. Violations of 18 U.S.C. 1154 and 1156 by any person may give rise to prosecution by the United States and punishment by a fine or imprisonment, or both, as provided by federal law.

B. Violations of this ordinance by Indians may also be subject to such criminal penalties as may be established from time to time by the Pueblo de Cochiti Tribal Council, subject to the limitations imposed by 25 U.S.C. 1302(7). Repeat violators of this Ordinance may be subject to permanent expulsion from the territorial jurisdiction of Pueblo de Cochiti upon notice and a hearing on the matter before a Pueblo de Cochiti tribunal.

C. For purposes of this Section, "Indian" shall be defined as a person who is a member of a federally recognized tribe, or an Alaskan Native, and who would be an Indian for purposes of 18 U.S.C. 1152 and 1153.

**Section 7:** The Ordinance shall be effective upon its certification by the Secretary of the Interior and its publication in the **Federal Register**.

[FR Doc. 01-8884 Filed 4-10-01; 8:45 am]

BILLING CODE 4310-02-P

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[CO-120-1220-PA]

#### Announcement of Public Scoping Meetings To Develop a Travel Management Plan for Public Lands Managed by the Bureau of Land Management, Kremmling Field Office in Colorado

**AGENCY:** Bureau of Land Management (BLM) Kremmling Field Office, Department of Interior.

**ACTION:** Notice of intent to conduct public scoping and prepare an environmental analysis (EA) to develop the travel management plan.

**SUMMARY:** In accordance with the National Environmental Policy Act, notice is hereby given that the Bureau of Land Management (BLM) is preparing an Environmental Analysis to address management of roads and trails on lands administered by the Kremmling Field Office in Colorado.

**DATES:** Written comments will be accepted until May 30, 2001. The following public scoping meetings are scheduled:

April 25: Kremmling—BLM Field Office—7 pm to 9 pm

April 26: Walden—Wattenburg Center—7 pm to 9 pm

**ADDRESSES:** Comments should be sent to the Kremmling Field Office, Bureau of Land Management, Colorado State Office, P.O. Box 68 Kremmling, Colorado, 80459.

**SUPPLEMENTAL INFORMATION:** The use of OHVs, snowmobiles, mountain bikes and horses, an important use of the public lands, has risen tremendously in recent years creating numerous management concerns:

- The capability of the land to sustain increasing use and still meet land health standards.
- The proliferation of new, unplanned roads and trails in many areas that have or will lead to unacceptable resource damage.
- Advances in technology that allow greater ability to access previously inaccessible locations.
- Existing land use designations that allow cross-country vehicle travel on BLM-administered land within the Kremmling Field Office.
- Designated road and trail land use designations have not been implemented.

These concerns, along with those identified by the public and listed in BLM guidance will be considered in the EA. The BLM critical elements of the human environment include: air quality; areas of critical environmental concern; cultural resources; prime farmland; flood plains; Native American religious concerns; threatened and endangered species; hazardous and solid wastes; water quality; wetlands; wild and scenic rivers; and wilderness.

The public is asked to identify issues they believe should be assessed in the EA and provide ideas and suggestions on alternatives to the proposed action they think should be considered. The EA scoping meetings will provide one such opportunity to provide issues and alternatives.

**FOR FURTHER INFORMATION CONTACT:** John Arkins, Outdoor Recreation Planner, Kremmling Field Office (970) 724-3437.

Dated: March 21, 2001.

**Dave Harr,**  
*Field Manager.*

[FR Doc. 01-8965 Filed 4-10-01; 8:45 am]

**BILLING CODE 4310-JB-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[CA-330-1820-AE]

#### Resource Advisory Council Meeting

**AGENCY:** Northwest California Resource Advisory Council; Arcata, CA; Bureau of Land Management, Interior.

**ACTION:** Notice of meeting location change.

**SUMMARY:** Pursuant to the authorities in the Federal Advisory Committees Act (Public Law 92-463) and the Federal Land Policy and Management Act (Public Law 94-579), the U.S. Bureau of Land Management's Northwest California Resource Advisory Council will meet Wednesday and Thursday, April 18 and 19, 2001, for a business meeting and field tour. The meeting and tour are open to the public, but anyone attending must provide their own transportation and lunch. The location of the field tour has been changed from the proposed Lost Coast Headlands Project to the Falk town site in the Headwaters Forest Reserve.

**SUPPLEMENTARY INFORMATION:** The original meeting notice was published in the **Federal Register** on March 28, 2001 (Vol. 66, No. 60, page 16958). Details of the meeting are unchanged from that publication.

**FOR ADDITIONAL INFORMATION CONTACT:** Lynda J. Roush, Arcata Field Manager, at (707) 825-2300.

**Joseph J. Fontana,**  
*Public Affairs Officer.*

[FR Doc. 01-8962 Filed 4-10-01; 8:45 am]

**BILLING CODE 4310-40-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[OR-130-1020-PH; GP01-0149]

#### Notice of the Meeting of the Eastern Washington Advisory Council; April 27, 2001, in Spokane, WA.

**AGENCY:** Bureau of Land Management, Spokane District.

**SUMMARY:** A meeting of the Eastern Washington Resource Advisory Council will be held on April 27, 2001. The meeting will convene at 9 am, at the Spokane District Office, Bureau of Land Management, 1103 North Fancher Road, Spokane, Washington, 99212-1275. The meeting will adjourn upon conclusion of business, but no later than 4 pm. Public comments will be heard from 10 am until 10:30 am. If necessary, to accommodate all wishing to make

public comments, a time limit may be placed upon each speaker. At an appropriate time, the meeting will adjourn for approximately one hour for lunch. Topics to be discussed include Election of Chair, Interior Columbia Basin Ecosystem Management Project Status Report, BLM Work Plan for FY 2001, BLM/Forest Service Fire Program, Charter Renewal and Next Meeting Scheduling.

**FOR FURTHER INFORMATION CONTACT:** Bureau of Land Management, Spokane District Office, 1103 N. Fancher Road, Spokane, Washington, 99212; or call 509-536-1200.

Dated: April 2, 2001.

**Joseph K. Buesing,**  
*District Manager.*

[FR Doc. 01-8968 Filed 4-10-01; 8:45 am]

**BILLING CODE 4310-33-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[CO-600-1990-PG]

#### Northwest Colorado Resource Advisory Council Meeting

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of meeting.

**SUMMARY:** The next meeting of the Northwest Colorado Resource Advisory Council will be held on Monday, May 14, and Tuesday, May 15, 2001, at the Colorado Northwestern Community College, Rangely, Colorado.

**DATES:** Monday, May 14, and Tuesday, May 15, 2001.

**ADDRESSES:** For further information, contact Lynn Barclay, Bureau of Land Management (BLM), 455 Emerson Street, Craig, Colorado 81625; Telephone (970) 826-5096.

**SUPPLEMENTARY INFORMATION:** The Northwest Resource Advisory Council (RAC) will meet on Monday, May 14, 2001, and Tuesday, May 15, 2001, at the Colorado Northwestern Community College, 500 Kennedy Drive, Rangely, Colorado 81648. The meeting will start at 1:00 p.m. on Monday, May 14, ending at 4:30 p.m. that same day. The meeting will reconvene Tuesday, May 15, at 9:00 a.m. ending at 4:00 p.m. Discussion will include: National strategy for motorized off-highway vehicle use; updates on Bangs Canyon jeep route, charter amendments and oil, gas, and mineral development; weed management; and wildlife issues. A field tour is planned for the afternoon of Tuesday, May 15, 2001.

The meeting is open to the public. Interested persons may make oral statements or submit written statements at the meeting. Time for public comment will be at 4:00 p.m., Monday, May 14, 2001. Per-person time limits for oral statements may be set to allow all interested persons an opportunity to speak.

Summary minutes of council meetings are maintained at the Bureau of Land Management Offices in Craig and Grand Junction, Colorado. They are available for public inspection and reproduction during regular business hours within thirty (30) days following the meeting.

Dated: April 2, 2001.

**Mark W. Stiles,**

*Western Slope Center Manager.*

[FR Doc. 01-8969 Filed 4-10-01; 8:45 am]

**BILLING CODE 4310-JB-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[CO-200-1120-AL-252Z]

#### Front Range Resource Advisory Council (Colorado) Meeting

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Notice of meeting.

**SUMMARY:** In accordance with the Federal Advisory Committee Act of 1972 (FACA), 5 U.S.C. Appendix, notice is hereby given that the next meeting of the Front Range Resource Advisory Council (Colorado) will be held on May 10 in Canon City, Colorado. The meeting is scheduled to begin at 9:15 a.m. at the Holy Cross Abbey Community Center, 2951 E. Highway 50, Canon City, Colorado. Topics will include a workshop to identify potential statewide RAC issues and discuss how the three Colorado RACs can more efficiently and effectively address statewide issues. All Resource Advisory Council meetings are open to the public. Interested persons may make oral statements to the Council at 9:30 a.m. or written statements may be submitted for the Council's consideration. The Center Manager may limit the length of oral presentations depending on the number of people wishing to speak.

**DATES:** The meeting is scheduled for Thursday, May 10, 2001 from 9:15 am to 4 pm.

**ADDRESSES:** Bureau of Land Management (BLM), Front Range Center, 3170 East Main Street, Canon City, Colorado 81212.

**FOR FURTHER INFORMATION CONTACT:** For further information contact Ken Smith at (719) 269-8500.

**SUPPLEMENTARY INFORMATION:** Summary minutes for the Council meeting will be maintained in the Canon City Center Office and will be available for public inspection and reproduction during regular business hours within thirty (30) days following the meeting.

Dated: April 2, 2001.

**Levi D. Deike,**

*Front Range Center Manager.*

[FR Doc. 01-8971 Filed 4-10-01; 8:45 am]

**BILLING CODE 4310-JB-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[NV-910-01-0777-30]

#### Northeastern Great Basin Resource Advisory Council Meeting Location and Time

**AGENCY:** Bureau of Land, Management, Interior.

**ACTION:** Resource advisory council's meeting location and time.

**SUMMARY:** In accordance with the Federal Land Policy and Management Act and the Federal Advisory Committee Act of 1972 (FACA), 5 U.S.C., the Department of the Interior, Bureau of Land Management (BLM), Council meetings will be held as indicated below. The agenda for this meeting includes: Field trip on May 3, 2001, to look at hazardous fuels reduction issues and implementation of rangeland health standards and guidelines; May 4, 2001, review and approval of minutes from January 5, 2001 meeting; discussion of any proposed acquisitions under the southern Nevada Public Lands Management Act; discussion on current status of wild horses and burro gathers and Tactical Plan implementation; update on status of proposed weed free hay certification regulations and current status of the 3809 regulations; discussion of BLM and Forest Service Resource Advisory Councils (RACs); RAC subcommittee reports on Guidelines for Vegetation Management and Off-Highway Vehicles; Field Office updates including any proposed land disposal actions and the California Trail Interpretive Center update.

All meetings are open to the public. The public may present written comments to the Council. Each formal Council meeting will also have time allocated for hearing public comments. The public comment period for the

Council meeting is listed below. Depending on the number of persons wishing to comment and time available, the time for individual oral comments may be limited. Individuals who plan to attend and need special assistance, such as sign language interpretation, tour transportation or other reasonable accommodations, should contact the BLM as provided below.

**Dates, Times, Place:** The time and location of the meeting is as follows: Northeastern Great Basin Resource Advisory Council, Ely BLM Field Office, 702 North Industrial Way, Ely, Nevada, 89301; May 3, field trip, 9:00 a.m.; May 4, Ely BLM Office, beginning at 9:00 a.m. public comment period 10:00 a.m. and 2:00 p.m. adjournment at 3:00 p.m.

**FOR FURTHER INFORMATION CONTACT:** Diane Murray, Public Affairs Specialist, Battle Mountain Field Office, 50 Bastian Road, Battle Mountain, NV 89820, telephone (775) 635-4000.

**SUPPLEMENTARY INFORMATION:** The purpose of the Council is to advise the Secretary of the Interior, through the BLM, on a variety of planning and management issues, associated with the management of the public lands.

**Helen M. Hankins,**

*Field Office Manager.*

[FR Doc. 01-8972 Filed 4-10-01; 8:45 am]

**BILLING CODE 4310-HC-M**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[MT-926-00-1910-PE-4677-UT940]

#### Montana: Filing of Amended Protraction Diagram Plats

**AGENCY:** Bureau of Land Management, Montana State Office, Interior.

**ACTION:** Notice.

**SUMMARY:** The plats of the amended protraction diagram accepted March 23, 2001, of the following described lands are scheduled to be officially filed in the Montana State Office, Billings Montana, thirty (30) days from the date of this publication.

Tps. 15 and 16 N., Rs. 18 and 19 W.

The plat, representing the Amended Protraction Diagram 23 of unsurveyed Townships 15 and 16 North, Ranges 18 and 19 West, Principal Meridian, Montana, was accepted March 23, 2001.

T. 15 N., R. 18 W.

The plat, representing the Amended Protraction Diagram 23 of unsurveyed Township 15 North, Range 18 West, Principal Meridian, Montana, was accepted March 23, 2001.

T. 15 N., R. 19 W.

The plat, representing the Amended Protraction Diagram 23 of unsurveyed Township 15 North, Range 19 West, Principal Meridian, Montana, was accepted March 23, 2001.

T. 16 N., R. 18 W.

The plat, representing the Amended Protraction Diagram 23 of unsurveyed Township 16 North, Range 18 West, Principal Meridian, Montana, was accepted March 23, 2001.

T. 16 N., R. 19 W.

The plat, representing the Amended Protraction Diagram 1 of unsurveyed Township 16 North, Range 19 West, Principal Meridian, Montana, was accepted March 23, 2001.

The amended protraction diagrams were prepared at the request of the U.S. Forest Service to accommodate Revision of Primary Base Quadrangle Maps for the Geometronics Service Center.

A copy of the preceding described plats of the amended protraction diagrams accepted March 23, 2001, will be immediately placed in the open files and will be available to the public as a matter of information.

If a protest against these amended protraction diagrams, accepted March 23, 2001, as shown on these plats, is received prior to the date of the official filings, the filings will be stayed pending consideration of the protests.

These particular plats of the amended protraction diagrams will not be officially filed until the day after all protests have been accepted or dismissed and become final or appeals from the dismissal affirmed.

**FOR FURTHER INFORMATION CONTACT:** Bureau of Land Management, 5001 Southgate Drive, P.O. Box 36800, Billings, Montana 59107-6800.

Dated: March 27, 2001.

**Steven G. Schey,**

*Chief Cadastral Surveyor, Division of Resources.*

[FR Doc. 01-8963 Filed 4-10-01; 8:45 am]

**BILLING CODE 4310-DN-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[MT-926-00-1910-PE-4677-UT940]

#### Montana: Filing of Amended Protraction Diagram Plats

**AGENCY:** Bureau of Land Management, Montana State Office, Interior.

**ACTION:** Notice.

**SUMMARY:** The plats of the amended protraction diagram accepted March 23,

2001, of the following described lands are scheduled to be officially filed in the Montana State Office, Billings Montana, thirty (30) days from the date of this publication.

Tps. 5, 6, and 7 S., Rs. 2, 3, and 4 E.

The plat, representing the Amended Protraction Diagram 1 Index of unsurveyed Townships 5, 6, and 7 South, Ranges 2, 3, and 4 East, Principal Meridian, Montana, was accepted March 23, 2001.

T. 5 S., R. 3 E.

The plat, representing Amended Protraction Diagram 1 of unsurveyed Township 5 South, Range 3 East, Principal Meridian, Montana, was accepted March 23, 2001.

T. 6 S., R. 3 E.

The plat, representing Amended Protraction Diagram 1 of unsurveyed Township 6 South, Range 3 East, Principal Meridian, Montana, was accepted March 23, 2001.

T. 7 S., R. 2 E.

The plat, representing Amended Protraction Diagram 1 of unsurveyed Township 7 South, Range 2, Principal Meridian, Montana, was accepted March 23, 2001.

T. 7 S., R. 4 E.

The plat, representing Amended Protraction Diagram 1 of unsurveyed Township 7 South, Range 4 East, Principal Meridian, Montana, was accepted March 23, 2001.

The amended protraction diagrams were prepared at the request of the U.S. Forest Service to accommodate Revision of Primary Base Quadrangle Maps for the Geometronics Service Center.

A copy of the preceding described plats of the amended protraction diagrams accepted March 23, 2001, will be immediately placed in the open files and will be available to the public as a matter of information.

If a protest against these amended protraction diagrams, accepted March 23, 2001, as shown on these plats, is received prior to the date of the official filings, the filings will be stayed pending consideration of the protests.

These particular plats of the amended protraction diagrams will not be officially filed until the day after all protests have been accepted or dismissed and become final or appeals from the dismissal affirmed.

**FOR FURTHER INFORMATION CONTACT:** Bureau of Land Management, 5001 Southgate Drive, P.O. Box 36800, Billings, Montana 59107-6800.

Dated: March 27, 2001.

**Steven G. Schey,**

*Chief Cadastral Surveyor, Division of Resources.*

[FR Doc. 01-8964 Filed 4-10-01; 8:45 am]

**BILLING CODE 4310-DN-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[MT-021-01-1430-EU]

#### Notice of Realty Action for Noncompetitive Sale of Public Lands in Fallon County, Montana, MTM-89841

**AGENCY:** Bureau of Land Management, Miles City Field Office, Interior.

**ACTION:** Notice.

**SUMMARY:** The following land has been found suitable for direct sale under Section 203 of the Federal Land Policy and Management Act of 1976 (90 Stat. 2750, 43 U.S.C. 1713), at no less than the estimated fair market value of \$64,000. The lands are to be used for the expansion of the existing Class II regional landfill operated by Fallon County. The land will not be offered for sale until at least 60 days after the date of this notice.

#### Principal Montana Meridian

T6N, R60E, Sec. 14: all

Containing 640 acres.

The land described is hereby segregated from appropriation under the public land laws, including the mining laws, pending disposition of this action or 270 days from the date of publication of this notice, whichever occurs first.

This land is being offered by direct sale to Fallon County under the following terms and conditions:

1. All minerals will be reserved to the United States, together with the right to prospect for, mine and remove the minerals. A more detailed description of this reservation, which will be incorporated in the patent document, is available for review at this office.

2. A right-of-way is reserved for ditches and canals constructed by the authority of the United States under the authority of the Act of August 30, 1890 (26 Stat. 291; 43 U.S.C. 945).

3. The patent will be subject to existing rights-of-way.

4. The patent will be subject to the terms and conditions of grazing lease, number 2625, issued to Truman Gary Rusley, until April 10, 2002.

**DATES:** Comments must be submitted on or before May 29, 2001.

**ADDRESSES:** All comments concerning this Notice of Realty Action should be

addressed to: Field Manager, Bureau of Land Management, 111 Garryowen Road, Miles City, Montana 59301.

**FOR FURTHER INFORMATION CONTACT:**

Brian Lynnes, Bureau of Land Management, 111 Garryowen Road, Miles City, Montana 59301, or by calling (406) 233-2822.

**SUPPLEMENTARY INFORMATION:** Detailed information concerning these reservations as well as specific conditions of the sale are available for review at the above address. In the absence of timely objections, this proposal shall become the final determination of the Department of the Interior.

Dated: April 3, 2001.

**Aden L. Seidlitz,**

*Acting Field Manager.*

[FR Doc. 01-8970 Filed 4-10-01; 8:45 am]

BILLING CODE 4310-SS-P

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[(NV-020-1430-EQ)] [N-12640, N-74312]

#### Termination of Segregative Effect, and Opening Order for a Portion of Airport Lease N-12640, Nevada

**AGENCY:** Bureau of Land Management, Interior.

**SUMMARY:** This action terminates the segregation in effect on a portion of Airport Lease N-12640. The land will be opened to the operation of the public land laws, including location and entry under the mining laws, subject to valid existing rights.

**EFFECTIVE DATE:** May 11, 2001.

**FOR FURTHER INFORMATION CONTACT:**

Mary Figarelle, Realty Specialist, Winnemucca Field Office, 5100 E. Winnemucca Boulevard, Winnemucca, Nevada 89445 or call (775) 623-1500.

**SUPPLEMENTARY INFORMATION:** The segregative effect for Airport Lease N-12640, also known as the Empire Airport, was made on March 10, 1982. The public lands affected by the above segregative actions, are described as follows:

#### Mount Diablo Meridian, Nevada

T.31 N., R. 23 E.,

Sec. 10: SE $\frac{1}{4}$ ; NW $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ ;

Sec. 11: SW $\frac{1}{4}$ ; NW $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ ;

Sec. 15: NE $\frac{1}{4}$ NE $\frac{1}{4}$ ;

Totaling 320 acres more or less in Washoe County.

The segregation was made pursuant to the Act of May 24, 1928 (49 U.S.C. 211-214) as amended by the Act of August 16, 1941 (55 Stat. 621).

On March 6, 2001, prior to the relinquishment by the original Lessees, an application for a Public Airport Lease was submitted by the U.S. Gypsum Company for a portion of the original 320 acres segregated under Airport Lease N-12640. This application was serialized as Public Airport Lease Application N-74312. Public Airport Application N-74312 proposed to encumber only 75 acres of the original 320 acres of public lands segregated for airport purposes, and would encompass all of the existing facilities.

On March 17, 2001, the original Lessees (Elwood and Wanda Heiss) voluntarily relinquished Public Airport Lease N-12640.

The segregative effect is hereby terminated for all public lands encumbered by Public Airport Lease N-12640, except those portions of the following described lands, which were applied for and will remain segregated under Public Airport Lease N-74312:

#### Mount Diablo Meridian, Nevada

T. 31 N., R. 23 E.,

Sec. 10: SE;

Sec. 11: SW $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ ,

NW $\frac{1}{4}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;

Sec. 15: NE $\frac{1}{4}$ NE $\frac{1}{4}$ .

The portion of public land that continues to remain under segregation is further described as: The existing north-south runway which is approximately 4,270' long by 200' wide on either side of the runway centerline and totals approximately 39.2 acres, the existing east-west runway which is approximately 3,420' long by 200' wide on either side of the runway centerline and totals approximately 31.4 acres, and the existing displaced threshold which is approximately 400' long by 470' wide and totals approximately 4.3 acres. Totaling approximately 75 acres more or less in Washoe County.

At 9 a.m. on May 11, 2001, the land encumbered by Airport Lease N-12640, except the above described lands which will remain segregated under Public Airport Lease N-74312, will be opened to location and entry under the United States mining laws, subject to valid existing rights, the provisions of existing withdrawals, other segregation of record, and the requirements of applicable law. All valid applications received at or prior to 9 a.m. May 11, 2001 shall be considered as simultaneously filed at that time. Those received thereafter shall be considered in the order of filing. Appropriation of any of the land described in this order under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted adverse possession under 30 U.S.C. 38

(1988), shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of land management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

Dated: March 26, 2001.

**Terry A. Reed,**

*Field Manager, Winnemucca.*

[FR Doc. 01-8966 Filed 4-10-01; 8:45 am]

BILLING CODE 4310-HC-P

## DEPARTMENT OF THE INTERIOR

### Bureau of Land Management

[ID-074-3130-HN]

#### Amended Notice of Intent to Prepare a Land Use Plan Amendment and Amended Notice of Exchange Proposal

**AGENCY:** Bureau of Land Management, Interior.

**ACTION:** Amended notice of intent to prepare a land use plan amendment and amended notice of exchange proposal.

**SUMMARY:** This notice amends a previously published notice which appeared in the **Federal Register** on August 18, 1998 (63 FR 44270), Notice of Intent to Prepare a Land Use Plan Amendment and Notice of Exchange Proposal. This amendment will adjust the amount of land proposed for exchange between BLM and Hartman Ranch LLC, Jerry R. Taft Family Limited Partnership, and John Taft Corporation.

**DATES:** In order to be considered in the preparation of the environmental assessment for the proposed land exchange, comments must be received on or before May 29, 2001.

**FOR FURTHER INFORMATION CONTACT:**

Additional information may be obtained by writing the BLM Idaho Falls Field Office, 1405 Hollipark Drive, Idaho Falls, ID 83401.

**SUPPLEMENTARY INFORMATION:** On August 12th, 19th, 26th, and September 2nd, 1998, a notice was published in The News Examiner, Montpelier, Idaho announcing the Bureau of Land Management's (BLM) intent to amend the BLM's Pocatello Resource Management Plan. The plan amendment is required in order for BLM to consider a land exchange proposal submitted by Hartman Ranch LLC, Jerry R. Taft Family Limited Partnership, and John Taft Corporation. The lands proposed for exchange as listed in the original publication notice are as follows:



**Offered Private Land****T. 15 N., R. 43 E., Boise Meridian**

Portion of sections 18 & 19 (metes & bounds description)

**Selected Public Land****T. 9 S., R. 46 E., Boise Meridian**

Sec. 3, SW $\frac{1}{4}$ NW $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ ;

Sec. 4, S $\frac{1}{2}$ ;

Sec. 9, N $\frac{1}{2}$ N $\frac{1}{2}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ ;

Sec. 10, NW $\frac{1}{4}$ NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ ;

Sec. 22, E $\frac{1}{2}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ ;

The purpose of this notice is to inform the public that the original legal notice is hereby amended to include an additional 80 acres of selected public land. The additional 80 acres is located in the vicinity of Crow Creek. This public land is adjoined on three sides by land in private ownership and on the fourth side by public land already included in the land exchange proposal. The additional acreage is legally described as follows:

**Additional Selected Public Land****T. 9 S., R. 46 E., Boise Meridian**

Sec. 15, E $\frac{1}{2}$ SE $\frac{1}{4}$ ;

All other information contained in the original publication notice remains the same. The Offered and Selected land acreage proposed for exchange may be adjusted to equalize values as determined by a Real Estate Appraisal.

Comments regarding the amended selected land acreage should be sent to Joe Kraayenbrink, Field Manager, Idaho Falls Field Office, 1405 Hollipark Drive, Idaho Falls, Idaho 83401.

Dated: March 27, 2001.

**James E. May,**  
District Manager.

[FR Doc. 01-8967 Filed 4-10-01; 8:45 am]

BILLING CODE 4310-GC-P

**INTERNATIONAL TRADE COMMISSION**

[Inv. No. 337-TA-439]

**In the Matter of Certain HSP Modems, Software and Hardware Components Thereof, and Products Containing Same; Notice of Commission Determination not to Review an Initial Determination Granting Complainant's Motion for Summary Determination That it Satisfies the Economic Prong of the Domestic Industry Requirement**

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined not to review the presiding administrative law

judge's ("ALJ's") initial determination ("ID") granting complainant's motion for summary determination that it satisfies the economic prong of the domestic industry requirement of 19 U.S.C. 1337(a)(3).

**FOR FURTHER INFORMATION:** Timothy P. Monaghan, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone 202-205-3152.

**SUPPLEMENTARY INFORMATION:** The Commission instituted this patent-based section 337 investigation on October 11, 2000, based on a complaint filed by PCTEL, Inc. ("PCTEL"). The respondents named in the investigation are ESS Technology, Inc., Smart Link Ltd., and Smart Link Technologies, Inc.

On March 6, 2001, complaint PCTEL moved pursuant to rule 210.18 for partial summary determination that it satisfies the economic prong of the domestic industry requirement of section 337 for the patents in the investigation. The Commission investigative attorney supported the motion. The respondents did not file a response to the motion.

On March 21, 2001, the ALJ granted the unopposed motion for summary determination on the economic prong of the domestic industry requirement. No petitions for review of the ID were filed.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and Commission rule 210.42, 19 CFR 210.42. Copies of the public version of the ALJ's ID and all other nonconfidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Washington, DC 20436, telephone 202-205-2000. Hearing impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810. General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS-ON-LINE) at <http://dockets.usitc.gov/eol/public>.

Issued: April 5, 2001.  
By order of the Commission.

**Donna R. Koehnke,**  
Secretary.

[FR Doc. 01-8907 Filed 4-10-01; 8:45 am]

BILLING CODE 7020-02-P

**INTERNATIONAL TRADE COMMISSION**

[Investigation No. TA-204-4]

**Wheat Gluten: Extension of Action****Determination**

On the basis of the information in this investigation, the Commission unanimously determines, pursuant to section 204(c) of the Trade Act of 1974 (Trade Act) (19 U.S.C. 2254(c)), that action under section 203 of the Trade Act with respect to imports of wheat gluten continues to be necessary to prevent or remedy serious injury and that there is evidence that the domestic wheat gluten industry is making a positive adjustment to import competition.

**Background**

Following receipt of a petition filed on behalf of the Wheat Gluten Industry Council, the Commission, effective November 30, 2000, instituted investigation No. TA-204-4, Wheat Gluten: Extension of Action, under section 204(c) of the Trade Act to determine whether action under section 203 of the Trade Act with respect to imports of wheat gluten continues to be necessary to prevent or remedy serious injury and whether there is evidence that the domestic wheat gluten industry is making a positive adjustment to import competition.

Notice of the institution of the Commission's investigation and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** on December 21, 2000 (65 FR 80455). The hearing was held in Washington, DC, on February 27, 2001, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determination in this investigation to the President on April 2, 2001. The views of the Commission are contained in USITC Publication 3407 (April 2001), entitled Wheat Gluten: Extension of Action, Investigation No. TA-204-4.

Issued: April 5, 2001.  
By order of the Commission.

**Donna R. Koehnke,**  
Secretary.

[FR Doc. 01-8908 Filed 4-10-01; 8:45 am]

BILLING CODE 7020-02-P



**DEPARTMENT OF JUSTICE****Office of Community Oriented Policing Services; FY 2001 Notice of Availability of the Finding of No Significant Impact and the Environmental Assessment for the Office of Community Oriented Policing Services' Methamphetamine Law Enforcement Program**

**AGENCY:** Office of Community Oriented Policing Services, Department of Justice.

**ACTION:** Notice of availability of the finding of no significant impact and the environmental assessment.

**SUMMARY:** The Department of Justice, Office of Community Oriented Policing Services ("COPS") announces the availability of the environmental assessment. This assessment, which is available to the public, concludes that the methamphetamine investigation and clandestine laboratory closure activities of the Methamphetamine/Drug Hot Spots Program will not have significant impact on the quality of the human environment.

**FOR FURTHER INFORMATION CONTACT:** For copies of the Environmental Assessment and the Finding of No Significant Impact, please contact: COPS Grants Administration Division, 1100 Vermont Avenue NW., Washington, DC 20530; Phone: (202) 616-3031 or 1-800-421-6770.

**SUPPLEMENTARY INFORMATION:****Overview**

In Fiscal Year 2000, the COPS Office collaborated with the Bureau of Justice Assistance and the Drug Enforcement Administration, Department of Justice, to prepare an Environmental Assessment for methamphetamine law enforcement programs, and with specific application for the Methamphetamine/Drug Hot Spots Program. This Environmental Assessment was prepared as required by the Council on Environmental Quality's regulations (40 CFR parts 1500 through 1508), implementing the National Environmental Policy Act of 1969 (42 U.S.C. 4321, *et al.*). The Methamphetamine/Drug Hot Spots Program addresses a broad array of law enforcement initiatives pertaining to the investigation of methamphetamine trafficking in many heavily impacted areas of the country.

For the purposes of this program, law enforcement may include training of law enforcement officers in methamphetamine-related issues; collection and maintenance of intelligence and information relative to methamphetamine trafficking and traffickers; investigation, arrest and

prosecution of producers, traffickers and users of methamphetamine; interdiction and removal of laboratories, finished products, and precursor chemicals and other elements necessary to produce methamphetamine; and preventive efforts to reduce the spread and use of methamphetamine. Individual projects will reflect a concentration on program areas consistent with congressional appropriations language.

Among the many challenges faced by law enforcement agencies in the Methamphetamine/Drug Hot Spots Program will be discovery, interdiction, and dismantling of clandestine drug laboratories. These lab sites, as well as other methamphetamine crime venues, must be comprehensively dealt with in compliance with a variety of health, safety and environmental laws and regulations. The COPS Office requires that recipients, when encountering illegal drug laboratories, use grant funds to effect the proper removal and disposal of hazardous materials located at those laboratories and directly associated sites in accordance with all applicable laws and regulations.

The COPS Office will award grants to State and local criminal justice agencies for the FY 2001 COPS Methamphetamine/Drug Hot Spots Program. The Environmental Assessment concludes that the funding of this program will not have a significant impact on the quality of the human environment. Therefore, an Environmental Impact Statement will not be prepared for the funding of this program.

Dated: April 2, 2001.

**Ralph Justus,**

*Acting Director.*

[FR Doc. 01-8910 Filed 4-10-01; 8:45 am]

**BILLING CODE 4410-AT-M**

**DEPARTMENT OF JUSTICE****Notice of Lodging of Consent Decree Pursuant to Comprehensive Environmental Response, Compensation, and Liability Act**

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that, on April 2, 2001, a proposed Consent Decree Between the United States of America and Rexam Beverage Can Company, Inc. and Primerica, Inc. (the decree) in *United States v. Russell Martin Bliss, et al.* (the *Missouri Dioxin Litigation*), Civil Action No. 89-363C-1 (E.D. Mo.) was lodged with the United States District Court for the Eastern District of Missouri.

The decree resolves claims for injunctive relief and response costs

under sections 106 and 107(a)(3) of the Comprehensive Environmental Response, Corporation, and Liability Act, 42 U.S.C. §§ 9606 and 9607(a)(3), against Rexam Beverage Can Company, Inc. and Primerica, Inc. arising out of the disposal and subsequent clean-up of wastes at the Bliss-Ellisville Superfund Site in St. Louis County, Missouri. Pursuant to the decree, Rexam and Primerica will pay \$1,750,000 to the Hazardous Substances Superfund. The monies paid by the settling defendants under the decree will reimburse past federal costs at the Site. The decree provides the settling defendants with releases from civil liability for injunctive relief and response costs at the Site.

For thirty (30) days following this publication, the Department of Justice will receive comments relating to the proposed decree. Comments should be addressed to the Assistant Attorney General of the Environmental and Natural Resources Division, United States Department of Justice, Post Office Box 7611, Washington, DC 20044-7611, and should refer to *United States v. Russell Martin Bliss, et al.* (the *Missouri Dioxin Litigation*), Civil Action No. 89-363C-1, DOJ no. 90-11-2-41E.

The proposed decree may be examined at the offices of the United States Attorney, Eastern District of Missouri, United States Court and Custom House, 111 S. 10th Street-20th Floor, St. Louis, Missouri 63101, and the United States Environmental Protection Agency—Region VII, 901 N. 5th Street, Kansas City, Kansas, 66101. The decree may also be obtained by mail from the United States Department of Justice Consent Decree Library, Post Office Box 7611, Washington, DC 20044-7611. In requesting a copy, please enclose a check in the amount of \$5.25 (25 cents per page reproduction cost).

**Robert E. Maher,**

*Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*

[FR Doc. 01-8912 Filed 4-10-01; 8:45 am]

**BILLING CODE 4410-15-M**

**DEPARTMENT OF JUSTICE****Notice of Public Comment Period For Proposed Consent Decrees Under The Clean Air Act, TSCA and RCRA**

Under 28 CFR 50.7, notice is hereby given that, for a period of 30 days, the United States will receive public comments on proposed Consent Decrees in *United States v. Motiva Enterprises LLC, Equilon Enterprises LLC, and Deer*

*Park Refining Limited Partnership*, Civil Action No. H-01-0978, which were lodged with the United States District Court for the Southern District of Texas on March 21, 2001.

These proposed Consent Decrees were lodged simultaneously with the Complaint in this national, multi-facility Clear Air Act ("Act") enforcement action against Motiva Enterprises LLC, Equilon Enterprises LLC, and Deer Park Refining Limited Partnership, a petroleum refining alliance ("the Companies"), pursuant to section 113(b) of the Clean Air Act ("CAA"), 42 U.S.C. 7413(b) (1983), amended by, 42 U.S.C. 7413(b) (Supp. 1991).

Under the settlement, the Companies will implement pollution control technologies to greatly reduce emissions of nitrogen oxides ("NO<sub>x</sub>") and sulfur dioxide ("SO<sub>2</sub>") from refinery process units and adopt facility-wide enhanced monitoring and fugitive emission control programs. The Companies will also adopt measures to eliminate excess flaring of hydrogen sulfide. This settlement will result in emission reductions of approximately 60,000 tons per year.

The proposed Consent Decree will also resolve alleged violations under the Resource Conservation and Recovery Act, ("RCRA"), 42 U.S.C. 6901 *et seq.*, and the Toxic Substances Control Act, ("TSCA"), 15 U.S.C. 2601 *et seq.* at Motiva's Convent, Louisiana, and Port Arthur, Texas refineries, and the Deer Park, Texas refinery operated by Shell.

In addition, the Companies will pay a civil penalty of \$9.5 million, and spend \$5.5 million on Supplemental Environmental Projects ("SEPs"). The states of Delaware and Louisiana, and the Washington state Northwestern Air Pollution Authority ("NWAPA") will join in this settlement as Plaintiff-Interveners and signatories to the Consent Decrees and each will benefit from the Companies' performance of the SEPs in the communities where the refineries are located. Delaware and Louisiana will share in the civil penalty.

Comments should be addressed to the Acting Assistant Attorney General, Environment and Natural Resources Division, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611, and should refer to *United States v. Motiva Enterprises LLC, et al.*, D.J. Ref. 90-5-2-1-07209.

The Consent Decrees may be examined at the Office of the United States Attorney, Southern District of Texas, U.S. Courthouse, 515 Rusk, Houston, Texas 77002, and at EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202. A copy of the Consent

Decrees may also be obtained by mail from the Consent Decree Library, P.O. Box 7611, U.S. Department of Justice, Washington, DC 20044-7611. In requesting a copy, please enclose a check in the amount of \$107.75 (25 cents per page reproduction cost) payable to the Consent Decree Library.

**Robert D. Brook,**

*Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*

[FR Doc. 01-8911 Filed 4-10-01; 8:45 am]

**BILLING CODE 4410-15-M**

## DEPARTMENT OF JUSTICE

### Antitrust Division

#### Notice Pursuant to the National Cooperative Research and Production Act of 1993—AAF Association, Inc.

Notice is hereby given that, on March 20, 2001, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* ("the Act"), AAF Association, Inc. has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing changes in its membership status. The notifications were filed for the purpose of extending the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Specifically, National Imagery and Mapping Agency, Reston, VA has been added as a party to this venture.

No other changes have been made in either the membership or planned activity of the group research project. Membership in this group research project remains open, and AAF Association, Inc. intends to file additional written notification disclosing all changes in membership.

On March 28, 2000, AAF Association, Inc. filed its original notification pursuant to section 6(a) of the Act. The Department of Justice published a notice in the **Federal Register** pursuant to section 6(b) of the Act on June 29, 2000 (65 FR 40127).

The last notification was filed with the Department on June 29, 2000. A notice was published in the **Federal Register** pursuant to section 6(b) of the Act on August 9, 2000 (65 FR 48735).

**Constance K. Robinson,**

*Director of Operations, Antitrust Division.*

[FR Doc. 01-8913 Filed 4-10-01; 8:45 am]

**BILLING CODE 4410-11-M**

## DEPARTMENT OF LABOR

### Office of the Secretary

#### Submission for OMB Emergency Review; Comment Request

The Department of Labor has submitted the Bloodborne Pathogens standard (Needlestick Safety) information collection request (ICR), utilizing emergency review procedures, to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995 (P.L. 104-13, 44 U.S.C. Chapter 35). OMB approval has been requested by April 18, 2001. A copy of this ICR, with applicable supporting documentation, may be obtained by calling the Department of Labor Departmental Clearance Officer, Ira Mills on 202-693-4122. Comments and questions about the ICR listed below should be submitted to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for OSHA, Office of Management and Budget, Room 10235, Washington, DC 20503 (202-395-7316), and be received by April 18, 2001.

The Office of Management and Budget is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

*Agency:* Occupational Safety and Health Administration.  
*Title:* Bloodborne Pathogens; (Needlestick and Other Sharps Injuries).  
*OMB Number:* 1218-0246.  
*Frequency:* On Occasion.

*Affected Public:* Business or other for-profit; Federal Government; State, Local or Tribal Government.  
*Number of Respondents:* 502,724.  
*Estimated Time Per Respondent:* 50 minutes.

*Total Burden Hours:* 1,234,797.  
*Total Burden Cost (capital/startup):* 0.  
*Total Burden Cost (operating/maintaining):* 0.

*Description:* The Needlestick Safety and Prevention Act (NSPA) directs OSHA to amend the Bloodborne Pathogens standard to require that employers update their exposure control plans to reflect how employers implement new developments in control technology; solicit input from employees responsible for direct patient care in the identification, evaluation, and the selection of engineering and work practice controls; and, for certain employers, to establish and maintain a log of percutaneous injuries from contaminated sharps.

**Ira L. Mills,**

*Departmental Clearance Officer.*

[FR Doc. 01-9048 Filed 4-10-01; 8:45 am]

**BILLING CODE 4510-26-P**

## DEPARTMENT OF LABOR

### Employment and Training Administration

#### Notice of a Change in Status of an Extended Benefit (EB) Period for Alaska

**SUMMARY:** This notice announces a change in benefit period eligibility under the EB Program for Alaska. The following change has occurred since the publication of the last notice regarding the State's EB status:

- March 4, 2001. Alaska triggered "on" EB. Alaska's 13-week insured unemployed rate for the week ending February 17, 2001, rose above the 6.0 percent threshold necessary to be triggered "on" to EB effective for the week beginning March 4, 2001.

#### Information for Claimants

The duration of benefits payable in the EB Program, and the terms and conditions on which they are payable, are governed by the Federal-State Extended Unemployment Compensation Act of 1970, as amended, and the operating instructions issued to the States by the U.S. Department of Labor. In the case of a State beginning an EB period, the State employment security agency will furnish a written notice of potential entitlement to each individual who has exhausted all rights to regular benefits and is potentially eligible for EB (20 CFR 615.13(c)(1)).

Persons who believe they may be entitled to EB, or who wish to inquire about their rights under the program, should contact the nearest State employment service office or

unemployment compensation claims office in their locality.

Signed at Washington, DC, on March 30, 2001.

**Raymond Uhalde,**

*Deputy Assistant Secretary of Labor for Employment and Training.*

[FR Doc. 01-8918 Filed 4-10-01; 8:45 am]

**BILLING CODE 4510-30-M**

## DEPARTMENT OF LABOR

### Employment and Training Administration

#### Grants for Implementing Disability Information Technology (IT) Initiative

**AGENCY:** Employment and Training Administration (ETA), Labor.

**ACTION:** Notice of availability of funds and solicitation for grant applications (SGA).

This Notice Contains All of the Necessary Information and Forms Needed to Apply for Grant Funding.

**SUMMARY:** The U.S. Department of Labor, Employment and Training Administration (DOL/ETA) announces the availability of approximately \$2.8 million in competitive grant funds for information technology skills training for people with disabilities.

**DATES:** Applicants will be accepted commencing on the date of publication. The closing date for receipt of applications under this announcement is Tuesday, May 15, 2001 at 4 pm Eastern Daylight Time (EDT) at the address below.

**ADDRESSES:** Applications shall be mailed to the U.S. Department of Labor, Employment and Training Administration, Division of Federal Assistance, Attention: B. Jai Johnson, SGA/DFA 01-107. 200 Constitution Avenue, NW., Room S-4203, Washington, DC. 20210. Applications that do not meet the conditions set forth in this notice will not be honored. Telefacsimile (FAX) applications will not be honored.

*Hand Delivered Proposals.* It is preferred that applications be mailed at least five days before the closing date (see "Late Proposals" section below). To be considered for funding, hand delivered proposals must be received at the address identified above by 4 p.m. (Eastern Daylight Time) Tuesday, May 15, 2001. All overnight express mail will be considered to be hand delivered and must be received at the designated place by the specified time on the closing date. Grant applications transmitted by electronic mail, telegraph or facsimile will not be considered.

Failure to adhere to the above instructions will be a basis for a determination of non responsiveness.

*Late Proposals.* Any application received after the exact date and time specified for receipt at the office designated in this notice will not be considered, unless it is received before awards are made and it—

- Was sent by U.S. Postal Service registered or certified mail not later than the fifth calendar day before the date specified for receipt of applications (e.g., an application submitted in response to a solicitation requiring receipt of applications by the 20th of the month must have been mailed/post marked by the 15th of that month); or

- Was sent by the U.S. Postal Service Express Mail Next Day Service, Post Office to Addressee, not later than 5:00 p.m. at the place of mailing two working days prior to the deadline date specified for receipt of applications in this SGA. The term "working days" excludes weekends and Federal holidays.

The only acceptable evidence to establish the date of mailing of an application received after the deadline date for the receipt of proposals sent by the U.S. Postal Service and on the original receipt from the U.S. Postal Service. The term "Post marked" means a printed, stamped or otherwise placed impression (exclusive of a postage meter machine impression) that is readily identifiable, without further action, as having been supplied or affixed on the date of mailing by an employee of the U.S. Postal Service.

#### *Withdrawal of Applications.*

Applications may be withdrawn by written notice or telegram (including mail gram) received at any time before an award is made. Applications may be withdrawn in person by the applicant or by an authorized representative thereof, if the representative's identity is made known and the representative signs a receipt for the proposal.

#### **FOR FURTHER INFORMATION CONTACT:**

Questions should be faxed to B. Jai Johnson at (202) 693-2879 (this is not a toll-free number). All inquiries should include the SGA number 01-107, and a contact name, fax, and telephone numbers. This solicitation is also being published on the Internet at ETA's home page at <http://www.doleta.gov> and at ETA's disAbility Online website at <http://www.wdsc.org/disability> (click on "Grantee Communication" to access these forms). Award notifications will also be published on both the ETA home page and the disAbility Online website.

#### **SUPPLEMENTARY INFORMATION**

## A. Authority

Funds made available for this Solicitation for Grant Application are authorized under the Workforce Investment Act of 1998, section 171 (c) and (d). Approximately \$1.16 million of the total funds available for this grant award are dislocated worker funds.

This announcement consists of five parts:

- Part I—Application Process
- Part II—Background and Purpose
- Part III—Review Process, Evaluation Criteria and Statement of Work
- Part IV—Government Requirements, and
- Part V—Definitions.

## Part I.—Application Process

### A. Eligible Applicants

Eligible applicants must be a consortium of public, private non-profit and for-profit entities. The Local Workforce Investment Board(s) (Local Boards) and the local One-Stop Center(s) must be included in the consortium. Applicants must obtain and provide letters of commitment from Local Boards. Representatives from the information technology business community, and representatives from the disability advocacy community or with expertise in services to people with disabilities should also be represented in the consortium.

The consortium members should contribute substantively to the overall goals and objectives of this solicitation. Representation should include corporate and academic entities that possess a sound grasp of the information technology job market in the region, are able to address the issue of information technology skill shortages, and have expert knowledge of the academic, professional, technical or other training requirements for information technology careers. Such organizations may include private for-profit information technology business enterprises—including small and medium-size businesses; Business Leadership Networks; industry associations such as local Chambers of Commerce and small business federations; local affiliates of national associations such as Information Technology Association of America (ITAA); and labor unions. Disability representation may include participation of Centers for Independent Living, Disability Business and Technical Assistance Centers, Rehabilitation Technology Centers, and national or regional non-profit organizations which are advocates for, or provide services to, people with disabilities. Consortia members may

also include other Workforce Investment Act program partners.

Local Workforce Investment Boards that share common economic goals may band together as one applicant rather than applying individually. Applicants may also submit grant applications for multi-site projects, i.e., projects that will provide employment and training services in different areas of the country.

Indian and native Tribal entities, or consortia of Tribes, may apply for Information Technology Initiative Grants. In such cases, letters of commitment from Local Boards may not be applicable because of sovereignty and self-governance of Tribal entities established under the Indian Self-Determination and Education Assistance Act allowing for the government to government relationship between the Federal and Tribal Governments.

All applications must clearly identify the lead agent and fiscal agent, and other members of the Consortium applying for the grant. The application must identify who the grant recipient (and/or fiscal agent) is and describe its capacity to administer this project. It must indicate that the project is consistent with and will be coordinated with the workforce investment system(s) that are involved in technical skills activities in the region(s) encompassed by the application.

**Note:** Except as specifically provided, DOL/ETA acceptance of a proposal and an award of federal funds to sponsor any program(s) does not provide a waiver of any grant requirements and/or procedures. For example, the OMB circulars require an entity's procurement procedures must require that *all procurement transactions* shall be conducted, as practical, to provide open and free competition. If a proposal identifies a specific entity to provide the services, the DOL/ETA's award *does not* provide the justification or basis to source the procurement, i.e., avoid competition.

### B. Submission of Proposals

Applicants must submit four (4) copies with original signatures. A proposal shall consist of two (2) separate and distinct sections. Section I, the Financial Proposal shall contain the SF-424, "Application for Federal Assistance," (Appendix A) and Budget Information Form (Appendix B).

In addition, the budget shall include on a separate page a detailed cost analysis of each line item. Administrative costs should not exceed 15 percent of total proposed costs. Justification must be provided on the need for administrative costs that exceed this limit. Approval of a budget

by DOL is not the same as approval of actual costs. The Catalog of Federal Domestic Assistance number is 17.261. Applicants shall indicate on the SF-424 the organization's IRS status, if applicable. According to the Lobbying Disclosure Act of 1995, section 18, an organization described in section 501(c)(4) of the Internal Revenue Code of 1986 which engages in lobbying activities shall not be eligible for the receipt of federal funds constituting an award, grant or loan. The individual signing the SF-424 on behalf of the applicant must represent the responsible financial and administrative entity for a grant should that application result in an award. The budget must include, on a separate page, a detailed breakout of each line item. Section II, the Technical Proposal, will demonstrate the applicant's capabilities in accordance with the Statement of Work in Part III of this solicitation. This must be organized to follow the evaluation criteria. No cost data or reference to costs shall be included in the Technical Proposal. In addition, the Technical Proposal shall be limited to 20 doubled-spaced, single-side, 8.5 inch x 11 inch pages with 1 inch margins. Appendices shall not exceed 10 pages, and may include charts, graphs, staff resumes, composition of advisory boards, and other supporting documents. Required letters of commitment from Local Boards should be included in the appendix rather than in Section I. Letters of commitment from other partnered entities should also be included. Text type shall be 12 point or larger. Applications not meeting these requirements may not be considered. The Technical Proposal must also contain participant, activity and outcome information.

### C. Scope of Award

DOL/ETA anticipates making approximately 5–9 awards, ranging from \$300,000 to \$600,000. Proposals are not to exceed \$600,000.

### D. Period of Performance

The initial period of performance will be 12 months from the date of execution by the Government. Based on the availability of funds, project performance and needs, the Department may elect to exercise its option to extend these grants for up to two additional option years for a total not to exceed 36 months.

## Part II—Background and Purpose

### A. Background

This initiative builds upon similar ETA initiatives that address increasing

the employment of people with disabilities in the information technology industry. It is also supportive of President Bush's New Freedom Initiative focused on helping people with disabilities by increasing access to assistive and universally designed technologies, expanding educational opportunities, integrating individuals with disabilities into the workforce, and promoting increased access into daily community life. Other ETA initiatives addressing the employment of people with disabilities include the Work Incentive Grants, which focus on enhancing One-Stop services for people with disabilities, and the Disability Employment Grants, which are focused on building partnerships with the One-Stop Center system, interagency coordination and innovative employment and training practices. The Department's Office of Disability Employment Policy, formerly the President's Committee for Employment of People with Disabilities, has also fostered the potential of the information technology employment sector with their High School/High Tech internship and mentoring program that is now in approximately 60 locations around the country. Please go to: <http://wdsc.org/disability> for more information on these initiatives.

The Department of Labor also recognizes the critical importance of a highly skilled workforce to the continued economic progress and well-being of the United States. ETA is the administering agency for the H1-B visa program and the resulting grant programs designed to train America's workers in those occupations experiencing skill shortages, in particular in the technology programming and technical support areas. With expectations that computer related applications will be a dominate force in the economic infrastructure of the United States in the foreseeable future, ETA is fostering relationships with technology related stakeholders such as the Information Technology Association of America and CompTIA to connect the workforce delivery system in a variety of capacities. These efforts include capacity building and linkage of the information technology business community with local providers and community based organizations who are important stakeholders in the delivery of training and employment services. ETA considers this Information Technology Skills Training solicitation to be aligned with these overarching goals of workforce readiness.

According to the White Paper entitled the IT Workforce Shortage and the Skills Gap, published jointly by the

Computing Technology Industry Association (CompTIA), the Technology Workforce Coalition (TWC), and the National Cristina Foundation (NCF), the societal costs of the information technology skills gap are significant. Businesses lose opportunities, customers are not serviced, and opportunities are unmet. The information technology skills gap results in reduced economic prosperity, and suppresses wage growth, corporate earnings, and the tax base. The White Paper also points out that by simply focusing on the 300,000 positions that do not require a computer science degree, American society stands to benefit substantially if it can create effective programs to fill those positions. Training and certification for positions in the technology workforce such as computer technicians, networking, and Internet professional can be completed in 3–12 months.

There are approximately 54 million Americans with disabilities, 30 million of whom are of working age. Only 26% of working age adults with significant disabilities have a job or a business compared to 82% of those without disabilities (U.S. Bureau of the Census, Survey of Income and Program Participation, 1997). The US Department of Labor report, Futureworks points out that while educational attainment made some difference in the rate of unemployment for people with disabilities, the employment figures for workers with severe disabilities lie in sharp contrast to those for workers without disabilities. Among workers with college degrees, only 52% of those with severe disabilities reported labor market activity compared to 90% of those with no disability—a gap of 38 percentage points.

Title IV of the Workforce Investment Act, which amends the Rehabilitation Act, included several findings relating to ethnic and racial minorities as traditionally under-served populations in the vocational rehabilitation system (29 U.S.C. 718). Ethnic and racial minorities tend to have disabling conditions at a disproportionately high rate. The rate of work-related disability for Native Americans is about one and one-half times that of the general population. African-Americans are also one and one-half times more likely to be disabled than whites and twice as likely to be significantly disabled. According to the US Census Bureau's 1994–1995 data approximately 85.5% of African-Americans with severe disabilities and 75.4% of Hispanics with severe disabilities are not working. Individuals with disabilities who are members of

other minority groups are also disproportionately represented among the unemployed. Among the reasons for the disproportionately high rate of unemployment are disparities in the rehabilitation services provided to minorities with disabilities, fewer educational opportunities, poor outreach to minority communities, and inadequate transportation and housing.

#### *B. Purpose*

The primary purpose of this award is to expand opportunities for information technology training and improve access to employment with long-term career potential in the information technology industry for people with disabilities, particularly those with severe disabilities. In addition, this solicitation seeks to foster the commitment and experience of the One-Stop system in the training and successful attainment of employment for people with disabilities, including supporting partnerships with (1) the business community to achieve quality program designs and placement outcomes, (2) academic institutions with expertise in information technology skill requirements, (3) and non-profit entities which may provide expertise regarding accessible technologies and accommodations or outreach. Non-duplication of existing services, and leveraging of scarce resources are also important factors.

DOL is seeking applications that address one or more of the following concerns: Strategies for training and employment of individuals with severe disabilities in the information technology industry, including those with a specific disabling condition or who also may be members of a subgroup (e.g., minorities, youth, older workers); strategies for re-employment of individuals with disabling conditions (e.g., brain/spinal cord injury from accident, emotional/psychiatric conditions, stroke, multiple sclerosis) resulting in dislocation from employment and a need for retraining; linkages with public (national, state and local) and/or private delivery systems; disability consumer organizations (e.g., independent living centers), and other entities that address significant employment barriers (e.g., lack of medical coverage, transportation needs, personal care requirements); linkages with existing service strategies that build on and facilitate workforce development and other systemic changes impacting individuals with disabilities (e.g., DOL Work Incentive Grant programs, Social Security's Ticket to Work Program, Welfare-to-Work implementation, Medicaid

Infrastructure Grants); innovative approaches using technology, particularly assistive technology, innovative training and workplace strategies or other approaches (e.g., distance learning, computer based training, telecommuting, and entrepreneurship) which result in significant information technology skill development (e.g., certification in CompTIA's iNet or Net+, Microsoft Certified Systems Engineer, Networking, etc.), and significant employment outcomes related to the information technology industry.

DOL expects the awardee to evaluate the effectiveness of implementation strategies and refine their proposed project as it progresses. Refinements impacting the agreed upon Statement of Work must be coordinated with ETA. Any formal evaluation process will be performed by DOL; therefore, proposals need not identify evaluation strategies.

### Part III.—Review Process, Evaluation Criteria and Statement of Work

A careful evaluation of applications will be made by a technical review panel who will evaluate the applications against the established criteria listed in this SGA. The panel results are advisory in nature and are not binding on the Grant Officer. The Government may elect to award the grant with or without discussions with the offeror. In situations without discussions, an award will be based on the offeror's signature on the SF-424, which constitutes a binding offer. All applications must include the required elements. The Grant Officer will make final award decisions based upon what is most advantageous to the Federal Government in terms of geographic mix, technical quality, justification and evidence of activities included in the management and design of the projects.

Each criteria listed below incorporates the statement of work components/elements.

- A. Project Design—Activities and Outcomes (30 points)
- B. Consortium Membership and Coordination (30 points)
- C. Information Technology Grant Participants (20 points)
- D. Management and Administration (20 points)

#### A. Project Design—Activities and Outcomes (30 points)

##### 1. Purpose and Scope of the Project

Describe the specific purpose or purposes of the proposed project. Explain how the proposed project will be applicable to disability issues of national scope and the potential for

replication in other workforce areas. Also describe whether or how the proposed project is similar to or differs from the applicant's prior and current activities.

##### 2. Training and Supportive Services

The program design should describe training, and services to be provided from the time of participant selection through placement in unsubsidized employment and follow-up. The design should describe in detail the kinds of skill training that will be offered, the method by which the training will be provided, and whether training will culminate in certification in one or more information technology concentrations. Training leading to employment in the following occupations may include, but is not limited to:

- Computer Support Specialist; Computer Operator; Computer Service Technician; Computer Aided Design Specialist; Network Control Operator; Electrical/Electronic Engineering Technician and Technologist; Data Processing Equipment Repairer, and Central Office and PBX Repairer.

Certifications in the following areas will be considered, but are not limited to:

- Computer Architecture and Structure, such as CompTIA's A+; Internet Skills, such as Website Development, CompTIA's i-Net+, Net+, HTML, and Java; Languages, such as Cobol, C, and C++; Networking, such as Help Desk, TCP/IP; Desktop Operating Systems, such as Windows 95, Windows 98, Windows ME, Windows NT, Windows 2000, Windows NT Workstation, Linux, and Unix; Local Area Network (LAN) Administration, such as Microsoft NT Server, Novell Netware, and Ethernet; and Software Applications, such as Microsoft Office Suite, and Corel WordPerfect Suite.

The use of exit competencies to detail specific technical knowledge and skill sets attained will also be considered. The scope and intensity of training curricula should also be clearly articulated to achieve desired goals and outcomes.

Design description should describe the role of the business community in an advisory capacity to the project, the extent to which they may provide internships or possible employment for successful participants, the extent to which they may serve as mentors, and their input into decisions on curricula and identification of trends and skill shortages.

Design description should include a rationale for additional activities and services in terms of overall project design, overcoming employment

barriers of planned participants, and achieving quality employment outcomes in the information technology industry. Narratives should provide a clear understanding of services and supports needed for successful placement and job retention in the information technology industry. Descriptions should detail how the consortium will work together to achieve project goals and should also detail linkages with State and Local Workforce Investment Boards. Linkages may also include DOL's Work Incentive Grant programs, programs under Social Security's Ticket-To-Work and Work Incentives Improvement Act, and other work related incentives.

The program design must provide information on planned activities and services to participants, including per site if applicable. This must include the number of participants to be served in basic educational training, job skill training, or any job search assistance, on-the-job training, work readiness and work experience, and post-placement training and job retention services. Include how other employment barriers such as inadequate access to housing, transportation, medical coverage, and personal assistance services will be addressed.

Describe how project design has potential for replication in the workforce system at large and how it meets potential needs which are not available otherwise.

Program design may include a component which addresses aggressive employment outreach for individuals with disabilities who have previously acquired academic credentials or certifications in the skill areas identified above, but who have not been able to secure competitive employment because of their disability or the lack of effective linkages with the corporate and business community.

##### 3. Employment Outcomes

*Available Jobs.* Based on labor market information, project design should describe information technology jobs that are expected to be available to participants upon completion of training and placement services, including prevailing wage levels, career potential and opportunities for advancement. Narrative should indicate what high tech occupations are the focus of project design. Include information on the number and type of jobs and the availability of qualified workers. The project design should also identify how and why job placement and retention for participant group will more likely occur as a result of the proposed project. Sources of information should be identified, and

may include the Bureau of Labor Statistics, O\*NET, America's Career Kit, State Occupational Information Coordinating Committees. Other resources regarding the information technology labor market may include the information technology associations, information technology industry employers, and other representatives of the local business community.

**Planned Placements.** The project design must indicate how many placements in unsubsidized, competitive employment are expected to result from activities at each site. Describe the quality of job placements in terms of entry wage or salary levels, long-term career potential, and the long-term growth of the occupations under consideration in the local area. Information on participant flow from intake, assessment, through placement should be provided indicating clearly when placement will occur. Program design should include post-placement follow-up of 90 days, 180 days, and 12 months.

Planned outcome information should be provided, including site specific information if applicable: (1) Number of terminees completing program; (2) number of placements in unsubsidized employment; (3) number of placements in full time employment (35 hours per week or more); and (4) the average hourly wage, and placements with durations of 180 days and more.

Applicants are also requested to provide an explanation, if applicable, on "temporary job" placements; and the extent to which program participants and/or recipients of SSDI/SSI are expected to transition to economic self-support in the mainstream workforce.

Applicants are requested to describe methods of ongoing assessment of "customer satisfaction" and how results will be used in project operation. The Department of Labor expects that applicants will achieve an entered employment rate of 55%. If applicant does not anticipate achieving this competitive placement level, an explanation should be provided on why this level may not be reached.

**Special Wage Waivers Under Fair Labor Standards Act.** Employment in jobs, and/or related training, approved for Special Minimum Wage Certificates under section 14(c) of the Fair Labor Standards Act (FLSA), as amended (29 U.S.C. 214) and its implementing regulations at 29 CFR part 525 will not be considered as an allowable activity or outcome. Organizations receiving FLSA special wage certifications must provide assurances and verification that FLSA special wage training and placement are not incorporated within proposed

project design. Employment outcomes must be at the prevailing wage and under no circumstances, below the applicable Federal or State minimum wage, whichever is higher.

#### *B. Consortium and Other Coordination (30 points)*

##### 1. Consortium Membership

Identify and describe consortium members which must include the Local Board or One-Stop Center(s) in a public/private partnership with the information technology business sector, academic and other institutions of learning who are qualified to deliver the applicable skill training defined in Section III, A, 4 (Training and Supportive Services), and disability representation to address access and accommodations or outreach. Descriptions should include the following information for each consortium member:

1. Name of the consortium member.
2. The type of organization the consortium member represents and the member's primary mission.
3. Consortium member's area of expertise.
4. Consortium member's level of commitment to serve people with disabilities.
5. Consortium member's specific area of focus and contributions to the goals and objectives of this project.
6. Additional resources and funds the consortium member will bring to this project.

##### 2. Coordination and Linkages

Describe the roles of consortium partners and their contribution to the project if not previously addressed. This should include how private non-profit and for-profit consortium members will work together to achieve the goals of this project. Describe the role of the business community and information technology associations in this project, including how information technology representatives and other members of the business community will serve in a business advisory capacity. If a business advisory board is established, identify the representatives expected to be on the board.

Describe any additional coordination with state and local entities, consumer organizations, and/or others in the design and implementation of the proposed project as appropriate. Applications should identify any planned coordination strategies with adult, dislocated worker and youth programs authorized under the Workforce Investment Act, Bureau of Apprenticeship Training, educational institutions, such as community

colleges and vocational training schools, labor organizations, and information technology associations.

Other coordination efforts should address major employment obstacles such as insufficient medical coverage and/or other barriers to employment (e.g., access to assistive technology, transportation, personal assistance needs, job coach requirements, housing). Identify funds or resources to be contributed to the project by the applicant and/or partnership entities. Evidence should be presented demonstrating the cooperation of coordinating entities and the program design should include a reasonable method of assessing and reporting on the impact of that coordination. Consultation with and/or review by appropriate labor organizations, where applicable, is encouraged and should be documented.

#### *C. Information Technology Grant Participants (20 points)*

##### 1. Target Population

Participants for the proposed project must be individuals with disabilities (i.e., physical, sensory, emotional, or mental functional impairments) as defined in section 3 of the Americans with Disabilities Act at 42 U.S.C. 12102. Describe the characteristics of the client population to which proposal is targeted including, where applicable: (1) Specific type(s) of disability, (e.g., psychiatric disorders, neurologic disorders); (2) specific subgroup of disabled population, (e.g., minority, youth, older workers); (3) why the project design will result in quality career and/or employment outcomes in the information technology industry; and (4) what innovative and coordinated approaches will be used to serve the target population. It is anticipated that a significant percentage of the population will require the use of assistive technology in both training and in the workplace.

Proposals must also provide the following planning information on the participants to be served in project design, in total and by project site:

- The number of participants,
- The age range of participants (e.g., under 22, 23–50, 51–65),
- The number of participants who receive Supplemental Security Income and/or Social Security Disability Income (SSI/SSDI),
- The number and percent of participants that will be qualified as dislocated workers.

Applicants may also provide other information about participants considered important such as



educational level, number of minority or ethnic, etc.

## 2. Outreach and Recruitment

Describe how outreach and recruitment addresses the overall design of the project. Outreach and recruitment may address public service announcements, use of media, use of community-based organizations, and other service groups. Identify how workforce development systems, disability consumer organizations, and information technology associations will be used in the recruitment process. Describe how the target population will be recruited for participation at each site if utilizing a multi-site approach.

## 3. Eligibility

Describe the eligibility process for project participants. This includes the process for determining whether a participant is an individual with a disability and those with a significant disability (see Definitions).

## 4. Assessment

Describe the process for evaluating participants' skill levels, education levels, career interests, accommodation requirements, training and services, and other barriers and needs. Narrative should identify whether assessment will be conducted by the awardee or another service provider. Applicants should indicate whether and how the Test of Adult Basic Education (TABE) or an alternative assessment tool will be used to assess reading, mathematical skills, and other employment readiness skills to participate in this project, as applicable. Applicants should include how the project will address the remedial or preparatory training needs of the participants and how the project will address possible Learning Disabilities. Please note, the implementation of these assessments may require reasonable accommodation and use of Assistive Technology.

### *D. Management and Administration (20 points)*

#### 1. Management Structure

Describe the management structure for the proposed project. Applicants must identify the lead agency, provide a staffing plan from each of the Consortium entities, showing each position and the percentage of time assigned to the project. Provide an organizational chart showing the relationship between the management and operational components of the project and the overall organization. Include staff and operations projected for the project. Include resumes of current key staff. For each of the key

staff not identified at the time of application, provide a job description or the qualifications sought for the position. Specific information on staff and organizational structure may be provided in the Appendix.

#### 2. Program Integrity and Public Accountability

Describe the mechanisms to be used to ensure financial and program accountability in record keeping and reporting. The design must demonstrate oversight of project implementation and progress benchmarks. Describe how the project will keep records of activities and satisfy the administrative requirements set out under 29 CFR parts 95–99 as applicable.

The design must include a comprehensive discussion describing in detail, the types of information to be collected, methods and frequency of collections, and ways information will be used to implement and manage the program. The following must be covered:

- (1) Program data collection and reporting systems to determine the achievement of project outcomes;
- (2) Financial management systems to ensure fiscal accountability in accordance with statutory, regulatory, and contractual requirements;
- (3) Communication processes and technology that will be utilized;
- (4) Administrative process for each project site; and
- (5) Grievance procedure.

#### 3. Project Management

Awardee will be responsible for management and oversight of all activities under the grant. Identify the information on project performance and financial management to be collected on a short-term basis by project staff. Describe the process of on-site monitoring of each project site, including employer site visits, if applicable. Describe the process and procedures to be used to obtain feedback from participants, employers, and any other appropriate parties on the responsiveness and effectiveness of the services provided.

#### 4. Grievance Procedures

Describe the grievance procedure to be used for grievances and complaints from participants, contractors, and other interested parties, consistent with requirements at 20 CFR part 667 subpart F.

#### 5. Previous Project Management Experience

Provide objective evidence of the grant applicant's ability to manage this

project, ensure the integrity of the grant funds, and deliver the proposed performance. Indicate the grant applicant's past management experience, particularly regarding oversight and operating functions including financial management and relevant audit or grant reviews of the organization. Provide references and/or contact persons of former or current funding organizations.

## **Part IV.—Government Requirements**

### *A. Reporting Requirements*

Applicants receiving awards under this solicitation will be required to submit financial, program, and participant reports on a quarterly and annual basis. Grantees will be required to submit (1) Activity and Placement Report (APR) on the number of participants being served, activities and services provided, and placement outcomes; and (2) Participant Characteristics Report (PCR) on age, race, type of disability, etc., of participants enrolled in the grantee's program. Narrative information on the grant program should be submitted quarterly with the APR. The narrative may include information on the status of project implementation, participant success stories during the reporting period, conferences or job fairs planned or held, meetings with employers related to placements, or other information of interest about the grant project. In addition to the APR and PCR, grantees are required to submit a Financial Status Report (FSR), SF 269. Report submissions to the Employment and Training Administration (ETA) are quarterly for the APR and FSR, and annually for the PCR following the end of the Fiscal Year. The APR, PCR and FSR forms and related instructions can be downloaded from ETA's disability Online website at: <http://wdsc.org/disability> (click on "Grantee Communication" to access these forms). Reports are due to ETA no later than 30 days after the last day of the report period.

### *B. Evaluation*

The Department of Labor may conduct a quantitative and qualitative evaluation that provides an in-depth analysis and assessment of the grant program.

### *C. Departmental Oversight*

DOL reserves the right to conduct programmatic and financial oversight/monitoring of grant and project sites.

### *D. Use of Federal Funds*

Federal funds cannot be used to support activities that would be



provided in the absence of these funds. Grant funds may cover only those costs that are appropriate and reasonable. Federal grant funds may only be used to acquire equipment that is necessary for the operation of the grant. Except as specifically provided, DOL/ETA acceptance of a proposal and an award of federal funds to sponsor any program(s) does not provide a waiver of any grant requirements and/or procedures. For example, the OMB circulars require, and an entity's procurement procedures must require that all procurement transactions shall be conducted, as practical, to provide open and free competition. If a proposal identifies a specific entity to provide the services, the DOL/ETA's award does not provide the justification or basis to source the procurement, i.e., avoid competition.

Grantees must comply with all applicable Federal statutes, regulations, administrative requirements and OMB Circulars. For example, OMB Circular A-122, which applies to nonprofit organizations, requires prior approval for certain capital expenditures to be allowable as direct costs. Requests for prior approval, if applicable, may be included in the grant budget application or submitted after grant award.

#### Part V.—Definitions

For the purpose of this demonstration project, the following definitions apply to the specified terms, as used in this SGA:

**Assistive Technology**—The term “assistive technology” means technology designed to be utilized in an assistive technology device or assistive technology service. (29 USCA 3002(a)(2), the Assistive Technology Act of 1998).

**Assistive Technology Device**—The term “assistive technology device” means any item, piece of equipment, or product system, whether acquired commercially, modified, or customized, that is used to increase, maintain, or improve functional capabilities of individuals with disabilities.

**Assistive Technology Service**—The term “assistive technology service” means any service that directly assists an individual with a disability in the selection, acquisition, or use of an assistive technology device. Such term includes—

(A) The evaluation of the assistive technology needs of an individual with a disability, including a functional evaluation of the impact of the provision of appropriate assistive technology and appropriate services to the individual in the customary environment of the individual;

(B) Services consisting of purchasing, leasing, or otherwise providing for the acquisition of assistive technology devices by individuals with disabilities;

(C) Services consisting of selecting, designing, fitting, customizing, adapting, applying, maintaining, repairing, or replacing assistive technology devices;

(D) Coordination and use of necessary therapies, interventions, or services with assistive technology devices, such as therapies, interventions, or services associated with education and rehabilitation plans and programs;

(E) Training or technical assistance for an individual with disabilities, or, where appropriate, the family members, guardians, advocates, or authorized representatives of such an individual; and

(F) Training or technical assistance for professionals (including individuals providing education and rehabilitation services), employers, or other individuals who provide services to, employ, or are otherwise substantially involved in the major life functions of individuals with disabilities.

**Basic Education**—Training activities designed to enhance the employability of participants by upgrading basic skills (e.g., General Equivalency Diploma (GED), remedial education or training in English language proficiency).

**Disability**—See definition in section 3 of the Americans with Disabilities Act, (42 USC 12102(2)), and the requirements at 28 CFR 35.104.

**Dislocated Worker**—See definition in the Workforce Investment Act of 1998 section 101(9) which states that the term “dislocated worker” means and individual who—

(A)(i) Has been terminated or laid off, or who has received a notice of termination or layoff, from an employment;

(ii)(I) Is eligible for or has exhausted entitlement to unemployment compensation; or

(II) Has been employed for a duration sufficient to demonstrate, to the appropriate entity at a one-stop center referred to in section 134(c), attachment to the workforce, but is not eligible for unemployment compensation due to insufficient earnings or having performed services for an employer that were not covered under a State unemployment compensation law; and

(iii) Is unlikely to return to a previous industry or occupation;

(B)(i) Has been terminated or laid off, or has received a notice of termination or layoff, from employment as a result of any permanent closure of, or any substantial layoff of, a plan, facility, or enterprise;

(ii) Is employed at a facility at which the employer has made a general announcement that such a facility will close within 180 days; or

(iii) For purposes of eligibility to receive services other than training services described in section 134(d)(4), intensive services described in section 134(d)(3), or supportive services, is employed at a facility at which the employer has made a general announcement that such a facility will close;

(C) Was self-employed (including employment as a farmer, a rancher, or a fisherman) but is unemployed as a result of general economic conditions in the community in which the individual resides or because of natural disaster; or

(D) Is a displaced homemaker.  
**Individual with a Disability**—See definition in the Workforce Investment Act section 101(17) (29 USC 2801(17)) which states: (A) In general.—The term “individual with a disability” means an individual with any disability as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102). (B) Individuals with disabilities.—The term “individuals with disabilities” means more than one individual with a disability.

**Individual with a Significant Disability**—See definition pursuant to WIA Title IV, section 403, which amends section 6(21) of the Rehabilitation Act, 29 USC 705(21).

**Job Search Assistance**—This includes, but is not limited to:

- (1) Orientation to the world of work;
- (2) Training/Job-related counseling and testing;
- (3) Employability assessment (other than that involved during intake);
- (4) Job development;
- (5) Job search assistance;
- (6) Job referral and placement.

**Job Skills Training**—Training conducted in an institutional setting, and designed to provide individuals with technical skills and information required to perform a specific job or group of jobs (e.g., vocational technical school, community college, etc.).

**On-the-Job Training (OJT)**—Training provided by an employer that is provided to a paid participant while engaged in productive work in a job that—

(A) Provides knowledge or skills essential to the full and adequate performance of the job;

(B) Provides reimbursement to the employer of up to 50 percent of the wage rate of the participant, for the extraordinary costs of providing the training and additional supervision related to the training; and

(C) Is limited in duration as appropriate to the occupation for which

the participant is being trained, taking into account the content of the training, the prior work experience of the participant, and the service strategy of the participant, as appropriate (WIA section 101(31), 29 USC 2801(31)).

*Post-Employment/Job Retention Services*—Services which may include, but are not limited to, post placement follow-up activities, work site evaluation and accommodation assistance, and training services provided following placement in unsubsidized, competitive employment.

*Unsubsidized/Competitive Employment*—Non-grant or unsupported employment that includes, entry into the Armed Forces (including entry onto active duty from Reserve and

National Guard units), entry into employment in a registered apprenticeship program, self-employment, etc. Employment performed on a full-time or part-time basis in an integrated setting in which wages/salaries are at or above the minimum wage. Employment with special wage provisions authorized under section 14(c) of the Fair Labor Standards Act (29 USC 214 and its implementing regulations at 29 CFR part 525) are not considered unsubsidized nor competitive for the purpose of this grant.

*Work Experience (WE)*—A planned, structured learning experience that takes place in a workplace for a limited period of time. Work experience may be

paid or unpaid, as appropriate. A work experience workplace may be in the private for-profit sector, the non-profit sector, or the public sector. Labor standards apply in any work experience where an employee/employer relationship as defined by the Fair Labor Standards Act, exists (See 20 CFR 663.200(b)).

Signed at Washington, DC, this 5th day of April, 2001.

**Laura A. Cesario,**  
*Grant Officer.*

#### Attachments

1. Appendix A—"Application for Federal Assistance" (Standard Form 424)
2. Appendix B—Budget Information Form

**BILLING CODE 4510-30-P**

# APPLICATION FOR FEDERAL ASSISTANCE

## APPENDIX "A"

OMB Approval No. 0348-0043

<b>FEDERAL ASSISTANCE</b>		2. DATE SUBMITTED		Applicant Identifier	
1. TYPE OF SUBMISSION: Application <input type="checkbox"/> Construction  <input type="checkbox"/> Non-Construction		3. DATE RECEIVED BY STATE		State Application Identifier	
		4. DATE RECEIVED BY FEDERAL AGENCY		Federal Identifier	
5. APPLICANT INFORMATION					
Legal Name:			Organizational Unit:		
Address (give city, county, State and zip code):			Name, telephone number and fax number of the person to be contacted on matters involving this application (give area code):		
6. EMPLOYER IDENTIFICATION NUMBER (EIN):  □□-□□□□□□□□			7. TYPE OF APPLICANT: (enter appropriate letter in box) <input type="checkbox"/> A. State B. County C. Municipa D. Township E. Interstate F. Intermunicipal G. Special District H. Independent School Dist. I. State Controlled Institution of Higher Learning J. Private University K. Indian Tribe L. Individual M. Profit Organization N. Other (Specify): _____		
8. TYPE OF APPLICATION: <input type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision  If Revision, enter appropriate letter(s) in box(es): A. Increase Award D. Decrease Duration B. Decrease Award Other (specify): C. Increase Duration  □ □			9. NAME OF FEDERAL AGENCY:		
10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER:  □□-□□□□  TITLE:			11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:		
12. AREAS AFFECTED BY PROJECT (cities, counties, States, etc.):					
13. PROPOSED PROJECT:		14. CONGRESSIONAL DISTRICTS OF:			
Start Date	Ending Date	a. Applicant		b. Project	
15. ESTIMATED FUNDING:		16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?			
a. Federal	\$ .00	a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON DATE _____			
b. Applicant	\$ .00	b. NO. <input type="checkbox"/> PROGRAM IS NOT COVERED BY E.O. 12372  <input type="checkbox"/> OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW			
c. State	\$ .00	17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?			
d. Local	\$ .00	<input type="checkbox"/> Yes If "Yes," attach an explanation. <input type="checkbox"/> No			
e. Other	\$ .00				
f. Program Income	\$ .00				
g. TOTAL	\$ .00				
18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT. THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED.					
a. Typed Name of Authorized Representative		b. Title		c. Telephone number	
d. Signature of Authorized Representative				e. Date Signed	

**INSTRUCTIONS FOR THE SF 424**

This is a standard form used by applicants as a required facesheet for preapplications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

- | <b>Item:</b> | <b>Entry:</b>  | <b>Item:</b> | <b>Entry:</b>  |
|--------------|--|--------------|--|
| 1.           | Self-explanatory.  | 12.          | List only the largest political entities affected (e.g., State, counties, cities).   |
| 2.           | Date application submitted to Federal agency (or State if applicable) & applicant's control number (if applicable).  | 13.          | Self-explanatory.  |
| 3.           | State use only (if applicable)   | 14.          | List the applicant's Congressional District and any District(s) affected by the program or project.  |
| 4.           | If this application is to continue or revise an existing award, enter present Federal identifier number. If for a new project, leave blank.  | 15.          | Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate <u>only</u> the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15. |
| 5.           | Legal name of applicant, name of primary organizational unit which will undertake this assistance activity, complete address of the applicant, and name and telephone number of the person to contact on matters related to this application.  | 16.          | Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process.  |
| 6.           | Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service.  | 17.          | This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.  |
| 7.           | Enter the appropriate letter in the space provided.  | 18.          | To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.)  |
| 8.           | Check appropriate box and enter appropriate letter(s) in the space(s) provided.<br><br>- "New" means a new assistance award.<br>- "Continuation" means an extension for an additional funding/budget period for a project with a projected completion date.<br>- "Revision" means any change in the Federal Government's financial obligation or contingent liability from an existing obligation. |              |  |
| 9.           | Name of Federal agency from which assistance is being requested with this application.   |              |  |
| 10.          | Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is required.   |              |  |
| 11.          | Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of the project.   |              |  |

**APPENDIX B****PART II - BUDGET INFORMATION*****SECTION A - Budget Summary by Categories***

	(A)	(B)	(C)
1. Personnel			
2. Fringe Benefits (Rate     )			
3. Travel			
4. Equipment			
5. Supplies			
6. Contractual			
7. Other			
8. Total, Direct Cost (Lines 1 through 7)			
9. Indirect Cost (Rate   %)			
10. Training Cost/Stipends			
11. TOTAL Funds Requested (Lines 8 through 10)			

***SECTION B - Cost Sharing/ Match Summary (if appropriate)***

	(A)	(B)	(C)
1. Cash Contribution			
2. In-Kind Contribution			
3. TOTAL Cost Sharing / Match (Rate   %)			

**NOTE:**        Use Column A to record funds requested for the initial period of performance (i.e. 12 months, 18 months, etc.); Column B to record changes to Column A (i.e. requests for additional funds or line item changes; and Column C to record the totals (A plus B).

---

**SECTION A - Budget Summary by Categories**

1. **Personnel:** Show salaries to be paid for project personnel which you are required to provide with W2 forms.
2. **Fringe Benefits:** Indicate the rate and amount of fringe benefits.
3. **Travel:** Indicate the amount requested for staff travel. Include funds to cover at least one trip to Washington, DC for project director or designee.
4. **Equipment:** Indicate the cost of non-expendable personal property that has a useful life of more than one year with a per unit cost of \$5,000 or more. Also include a detailed description of equipment to be purchased including price information.
5. **Supplies:** Include the cost of consumable supplies and materials to be used during the project period.
6. **Contractual:** Show the amount to be used for (1) procurement contracts (except those which belong on other lines such as supplies and equipment); and (2) sub-contracts/grants.
7. **Other:** Indicate all direct costs not clearly covered by lines 1 through 6 above, including consultants.
8. **Total, Direct Costs:** Add lines 1 through 7.
9. **Indirect Costs:** Indicate the rate and amount of indirect costs. Please include a copy of your negotiated Indirect Cost Agreement.
10. **Training /Stipend Cost:** (If allowable)
11. **Total Federal funds Requested:** Show total of lines 8 through 10.

**SECTION B - Cost Sharing/Matching Summary**

*Indicate the actual rate and amount of cost sharing/matching when there is a cost sharing/matching requirement. Also include percentage of total project cost and indicate source of cost sharing/matching funds, i.e. other Federal source or other Non-Federal source.*

**NOTE: PLEASE INCLUDE A DETAILED COST ANALYSIS OF EACH LINE ITEM.**

**DEPARTMENT OF LABOR****Mine Safety and Health Administration****Proposed Information Collection Request Submitted for Public Comment and Recommendations; Records of Results of Examinations of Self-Rescuers****ACTION:** Notice.

**SUMMARY:** The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) (44 U.S.C. 3506(c)(2)(A)). This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed.

**DATES:** Submit comments on or before June 11, 2001.

**ADDRESSES:** Send comments to Brenda C. Teaster, Acting Chief, Records Management Division 4015 Wilson Boulevard, Room 709a, Arlington, VA 22203-1984.

Commenters are encouraged to send their comments on a computer disk, or via Internet E-mail to [bteaster@msha.gov](mailto:bteaster@msha.gov), along with an original printed copy. Ms. Teaster can be reached at (703) 235-1470 (voice), or (703) 235-1564 (facsimile).

**FOR FURTHER INFORMATION CONTACT:**

Brenda C. Teaster, Acting Chief, Records Management Division, U.S. Department of Labor, Mine Safety and Health Administration, Room 709A, 4015 Wilson Boulevard, Arlington, VA 22203-1984. Ms. Teaster can be reached at [bteaster@msha.gov](mailto:bteaster@msha.gov) (Internet E-mail), (703) 235-1470 (voice), or (703) 235-1563 (facsimile).

**SUPPLEMENTARY INFORMATION:****I. Background**

The Self-Rescue devices are subjected to harsh in-mine conditions that may result in damage to the device which could cause the device to malfunction or provide less than adequate protection. The 90-day examination of the device is necessary in order to provide for early detection of potential problems that would otherwise go undetected. Requiring the mine operator to certify the examination was made and

to record any identified defects gives credibility to the program and decreases the likelihood of a person being required to use a device that may not function as designed. In addition, this information is useful in determining how durable a device may be when subjected to the harsh conditions that are encountered during in-mine use. This allows for early detection of design problems that may require the manufacturer to make changes to a device in order to assure the device will continue to function as designed and provide adequate protection in the event of an emergency.

**II. Desired Focus**

Currently, the Mine Safety and Health Administration (MSHA) is soliciting comments concerning the proposed extension. MSHA is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

A copy of the proposed information collection request may be viewed on the Internet by accessing the MSHA Home Page (<http://www.msha.gov>) and selecting "Statutory and Regulatory Information" then "Paperwork Reduction Act Submissions (<http://www.msha.gov/regspwork.htm>)", or by contacting the employee listed above in the **FOR FURTHER INFORMATION CONTACT** section of this notice for a hard copy.

**III. Current Actions**

In 1997, a large number of problems were identified with SCSR devices that indicated either the 90-day examinations were not being conducted, or defective devices were not being removed from service. As a result of these problems, MSHA issued a Program Information Bulletin reminding the industry of the standard requiring the 90-day examination and certification

of the self-rescuer devices, and requiring devices that fail the 90-day examination to be removed from service. In addition, MSHA increased the inspection effort to include quarterly evaluation of the mine operators records as well as a physical examination of a representative number of self-rescue devices. However, due to the large number of devices in use in the mining industry, (approximately 50,000 devices) it is essential that mine operators continue to certify that the 90-day examination was conducted on each device, and record the results for devices that failed the 90-day examination. Although MSHA has increased the enforcement effort, the large number of devices in use in the mining industry make it impractical for MSHA to be able to examine each of the devices quarterly.

*Type of Review:* Extension.

*Agency:* Mine Safety and Health Administration.

*Title:* Records of Results of Examinations of Self-Rescuers.

*OMB Number:* 1219-0044.

*Recordkeeping:* One Year.

*Affected Public:* Business or other for-profit.

*Cite/Reference/Form/etc:* 30 CFR 75.1714-3.

*Total Respondents:* 887.

*Frequency:* Quarterly.

*Total Responses:* 3,648.

*Average Time per Response:* 30 minutes.

*Estimated Total Burden Hours:* 1,776 hours.

*Estimated Total Burden Cost:* \$0.

*Total Burden Cost (capital/startup):* 0.

*Total Burden Cost (operating/maintaining):* 0.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: April 3, 2001.

**Brenda C. Teaster,**

*Acting Chief, Records Management Division.*

[FR Doc. 01-8919 Filed 4-10-01; 8:45 am]

**BILLING CODE 4510-43-M**

**DEPARTMENT OF LABOR****Mine Safety and Health Administration****Proposed Information Collection Request Submitted for Public Comment and Recommendations; Operations Under Water****ACTION:** Notice.

**SUMMARY:** The Department of Labor, as part of its continuing effort to reduce

paperwork and respondent burden conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed.

**DATES:** Submit comments on or before June 11, 2001.

**ADDRESSES:** Send comments to Brenda C. Teaster, Acting Chief, Records Management Division, 4015 Wilson Boulevard, Room 709A, Arlington, VA 22203-1984. Commenters are encouraged to send their comments on a computer disk, or via Internet E-mail to [bteaster@msha.gov](mailto:bteaster@msha.gov), along with an original printed copy. Ms. Teaster can be reached at (703) 235-1470 (voice), or (703) 235-1563 (facsimile).

**FOR FURTHER INFORMATION CONTACT:** The proposed information collection request may be viewed on the Internet by accessing the MSHA Home Page (<http://www.msha.gov>) and selecting "Statutory and Regulatory Information" then "Paperwork Reduction Act submission (<http://www.msha.gov/regspwork.htm>)", or by contacting Brenda C. Teaster, Acting Chief, Records Management Division, U.S. Department of Labor, Mine Safety and Health Administration, Room 709A, 4015 Wilson Boulevard, Arlington, VA 22203-1984. Mrs. Teaster can be reached at [bteaster@msha.gov](mailto:bteaster@msha.gov) (Internet E-mail, (703) 235-1470 (voice), or (703) 235-1563 (facsimile).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Background**

Title 30, CFR 75.1716, 75.1716-1 and 75.1716-3 require operators of underground coal mines to notify MSHA of proposed mining under bodies

of water and to obtain a permit to mine under a body of water if, in the judgment of the Secretary, it is sufficiently large to constitute a hazard to miners. This is a statutory provision contained in section 317(r) of the Federal Mine Safety and Health Act of 1977. The regulation is necessary to prevent the inundation of underground coal mines with water which has the potential of drowning miners.

The coal mine operator submits an application for the permit to the District Manager in whose district the mine is located. Applications contain the name and address of the mine; projected mining and ground support plans; a mine map showing the location of the river, stream, lake or other body of water and its relation to the location of all working places; a profile map showing the type of strata and the distance in elevation between the coal bed and the water involved.

##### **II. Desired Focus of Comments**

Currently, the Mine Safety and Health Administration (MSHA) is soliciting comments concerning the proposed extension of the information collection related to Operations Under Water. MSHA is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

##### **III. Current Action**

Section 317(r) of the Federal Mine Safety and Health Act of 1977 requires that when a mine operator mines coal from a mine that requires construction, operation, and maintenance of tunnels under any river, stream, lake or other body of water that could potentially pose a hazard to miners, such operator is required to obtain a permit from the Secretary, which shall include such terms and conditions as deemed appropriate to protect the safety of miners working or passing through such tunnels from cave-ins and other hazards. This section of the Act is enforced through application 30 CFR 75.1716, which requires the underground mine operators to notify MSHA prior to mining under any body of water (30 CFR 75.1716-1) and to submit a permit application to mine under a body of water (30 CFR 75.1716-3) for the MSHA District Manager's approval prior to mining under the body of water. MSHA is obligated to respond in writing to the notice (30 CFR 75.1716-2) and to the permit application (30 CFR 75.1716-4). MSHA routinely receives the notice and the permit application as a single correspondence due to the annual review of the mine ventilation plan map one year mining projections [30 CFR 75.371(b)(14)] and the annual submittal of a certified mine map, which is required to show the locations of mines above and below and bodies of water above the active mine [30 CFR 75.1200-(I and j) and 30 CFR 75.1203]. The annual review of these maps provide early detection of potential inundation hazards and as a result reduce or eliminate the need for a separate notice under 30 CFR 75.1716-1.

*Type of Review:* Extension.

*Agency:* Mine Safety and Health Administration.

*Title:* Operations Under Water.

*OMB Number:* 1219-0020.

*Affected Public:* Business or other for-profit.

Cite/reference	Total respondents	Frequency	Total responses	Average time per response (hours)	Burden
75.1716 .....	Included in 75.1716-3 ..	Occasional .....	Included in 75.1716-3 ..	5	Included in 75.1716-3.
75.1716.1 .....	Included in 75.1716-3 ..	.....	Included in 75.1716-3 ..	5	Included in 75.1716-3.
75.1716.3 .....	10 new or revised notices/permit appls..	On occasion .....	10 .....	5	50 hours.
Totals .....	10 .....	On occasion .....	10 .....	5	50 hours.



*Estimated Total Burden Cost:* \$2,727.  
*Total Burden Cost (capital/startup):*  
 \$0.

*Total Burden Cost (operating/  
 maintaining):* \$150.

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request; they will also become a matter of public record.

Dated: April 3, 2001.

**Brenda C. Teaster,**

*Acting Chief, Records Management Division.*

[FR Doc. 01-8920 Filed 4-10-01; 8:45 am]

BILLING CODE 4510-43-M

## **NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES**

### **Federal Council On The Arts and The Humanities, Arts and Artifacts Indemnity Panel, Advisory Committee; Notice of Meeting**

Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92-463 as amended) notice is hereby given that a meeting of the Arts and Artifacts Indemnity Panel of the Federal Council on the Arts and the Humanities will be held at 1100 Pennsylvania Avenue, NW., Washington, DC 20506, in Room 714, from 9:00 a.m. to 5:00 p.m., on Monday, May 7, 2001.

The purpose of the meeting is to review applications for Certificates of Indemnity submitted to the Federal Council on the Arts and the Humanities for exhibitions beginning after July 1, 2001.

Because the proposed meeting will consider financial and commercial data and because it is important to keep values of objects, methods of transportation and security measures confidential, pursuant to the authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated July 19, 1993, I have determined that the meeting would fall within exemption (4) of 5 U.S.C. 552(b) and that it is essential to close the meeting to protect the free exchange of views and to avoid interference with the operations of the Committee.

It is suggested that those desiring more specific information contact the Advisory Committee Management Officer, Laura S. Nelson, 1100 Pennsylvania Avenue, NW.,

Washington, DC 20506, or call 202/606-8322.

**Laura S. Nelson,**

*Advisory Committee Management Officer.*

[FR Doc. 01-8925 Filed 4-10-01; 8:45 am]

BILLING CODE 7036-01-M

## **NUCLEAR REGULATORY COMMISSION**

**[Docket No. 030-32660; License No. 45-  
24851-02; EA-98-213]**

### **In the Matter of Moisture Protection Systems Analysts, Inc. Washington, D.C.; Order Imposing Civil Monetary Penalty**

#### **I**

Moisture Protection Systems Analysts, Inc. (the Licensee or MPSA), 1350 Beverly Road, Suite 223, McLean, Virginia 22101, formerly was the holder of Byproduct Materials License No. 45-24851-02 (the license), which was issued by the Nuclear Regulatory Commission (NRC or Commission) pursuant to 10 CFR Part 30 on January 30, 1992. The license authorized MPSA to possess byproduct material, i.e., a Siemens Model R-50 portable roofing gauge that contains a nominal 40 millicuries (mCi) of Americium-241, for use in measuring moisture density of roof surfaces in accordance with the conditions specified in the license. On February 3, 1997, the NRC attempted to inspect MPSA's facilities at 1350 Beverly Road, Suite 223, McLean, Virginia, 22101, the address listed on MPSA's license. At that time, the inspector learned that MPSA had vacated the premises in December, 1996, without prior notice to the NRC. The inspector was provided with a forwarding address for MPSA of 8111 12th Street, N.W., Washington, D.C., 20017-2402. NRC representatives subsequently made numerous unsuccessful attempts to contact MPSA by telephone and to inspect the premises at the forwarding address. On February 27 1997, the NRC issued an Order Suspending License (Effective Immediately) to MPSA based upon non-payment of annual fees required pursuant to 10 CFR 171.16. The Order was reissued on May 15, 1997.

#### **II**

On April 30, 1998, the NRC issued a "Notice of Violation and Proposed Imposition of Civil Penalty—\$5,500, Notification of Consideration of the Imposition of Daily Civil Penalties, and Order Modifying Order Suspending License (Effective Immediately) and

Order Revoking License (Notice)," to MPSA. The Notice described a violation of NRC requirements identified as a result of the NRC's review of the circumstances associated with attempts to perform an inspection of MPSA's material, facilities, and records. The Notice stated the nature of the violation, the provision of the NRC's requirements that MPSA had violated, and the amount of the civil penalty proposed for the violation.

MPSA has not responded to the Notice, nor has it complied with the requirements of the Order that it maintain the licensed material in safe storage, immediately notify the NRC of its current business location and the status of the licensed material, test the sealed source for leak tightness, and transfer the licensed material to an authorized recipient within 30 days of the date of the Order. The NRC has made numerous additional attempts to contact MPSA, including issuing two subpoenas to Mr. Virgil J. Hood, Sr., Radiation Safety Officer and President of MPSA and Mr. Virgil J. Hood, Jr., Vice President of MPSA, compelling their appearance for interviews at NRC headquarters on September 16, 1998, and December 3, 1999. The President and Vice President failed to appear for these interviews, and have been unresponsive to repeated attempts to discuss licensed activities associated with MPSA.

#### **III**

After consideration of MPSA's unresponsiveness, the NRC staff has determined that the violation occurred as stated and that the penalty proposed for the violation designated in the Notice should be imposed.

#### **IV**

In view of the foregoing and pursuant to Section 234 of the Atomic Energy Act of 1954, as amended (Act), 42 U.S.C. 2282, and 10 CFR 2.205, *It Is Hereby Ordered That:*

MPSA pay a civil penalty in the amount of \$5,500 within 30 days of the date of this Order, in accordance with NUREG/BR-0254. In addition, at the time of making the payment, MPSA shall submit a statement indicating when and by what method payment was made, to the Nuclear Regulatory Commission, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852-2738.

#### **V**

MPSA may request a hearing within 30 days of the date of this Order. Where good cause is shown, consideration will

be given to extending the time to request a hearing.

A request for extension of time must be made in writing to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and include a statement of good cause for the extension. A request for a hearing should be clearly marked as a "Request for an Enforcement Hearing" and shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, ATTN: Rulemakings and Adjudications Staff, Washington, DC 20555. Copies also shall be sent to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, to the Assistant General Counsel for Materials Litigation and Enforcement at the same address, and to the Regional Administrator, NRC Region II, 61 Forsyth Street, SW, Suite 23T85, Atlanta, Georgia, 30303-8931.

If a hearing is requested, the Commission will issue an Order designating the time and place of the hearing. If MPSA fails to request a hearing within 30 days of the date of this Order (or if written approval of an extension of time in which to request a hearing has not been granted), the provisions of this Order shall be effective without further proceedings. If payment has not been made by that time, the matter may be referred to the Attorney General for collection.

In the event MPSA requests a hearing as provided above, the issues to be considered at such hearing shall be:

(a) Whether MPSA was in violation of the Commission's requirements as set forth in the Notice referenced in Section II above, and

(b) Whether, on the basis of such violation, this Order should be sustained.

Dated this 2nd day of April 2001.

For the Nuclear Regulatory Commission.

**Frank J. Congel,**

*Director, Office of Enforcement.*

[FR Doc. 01-8888 Filed 4-10-01; 8:45 am]

BILLING CODE 7590-01-P

## NUCLEAR REGULATORY COMMISSION

[Docket No. 72-17]

### Portland General Electric Company; Trojan Nuclear Plant; Trojan Independent Spent Fuel Storage Installation; Notice of Issuance of Amendment to Materials License SNM-2509

The U.S. Nuclear Regulatory Commission (NRC or the Commission) has issued Amendment 1 to Materials

License No. SNM-2509 held by Portland General Electric Company (PGE) for the receipt, possession, storage, and transfer of spent fuel at the Trojan Nuclear Plant independent spent fuel storage installation (ISFSI), located in Columbia County, Oregon. The amendment is effective as of the date of issuance.

By letter dated February 19, 2001, as supplemented by letter dated March 9, 2001, PGE submitted an application to the NRC in accordance with 10 CFR part 72 requesting an amendment of the Trojan ISFSI license (SNM-2509). PGE sought Commission approval to revise the Trojan ISFSI Technical Specifications (Appendix A to the license) to conform to a change in the Code of Federal Regulations (10 CFR 72.48) which will become effective on April 5, 2001, and to make editorial corrections.

This amendment complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR Chapter I, which are set forth in the license amendment.

In accordance with 10 CFR 72.46(b)(2), a determination has been made that the amendment does not present a genuine issue as to whether public health and safety will be significantly affected. Therefore, the publication of a notice of proposed action and an opportunity for hearing or a notice of hearing is not warranted. Notice is hereby given of the right of interested persons to request a hearing on whether the action should be rescinded or modified.

The Commission has determined that, pursuant to 10 CFR 51.22(c)(11), neither an environmental assessment nor an environmental impact statement is warranted for this action.

Documents related to this action are available for public inspection at the Commission's Public Document Room, One White Flint North Building, 11555 Rockville Pike, Rockville, MD, or from the publicly available records component of NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC Web Site at <http://www.nrc.gov/NRC/ADAMS/index.html> (the Public Electronic Reading Room).

Dated at Rockville, Maryland, this 31st day of March 2001.

For the Nuclear Regulatory Commission.

**E. William Brach,**

*Director, Spent Fuel Project Office, Office of Nuclear Material Safety and Safeguards.*

[FR Doc. 01-8893 Filed 4-10-01; 8:45 am]

BILLING CODE 7590-01-P

## NUCLEAR REGULATORY COMMISSION

[IA-01-023]

### In the Matter of Paige Rowland; Order Prohibiting Involvement in NRC-Licensed Activities (Effective Immediately)

I

Paige Rowland was employed as a nuclear medicine technician at Central Michigan Community Hospital (Licensee) in Mount Pleasant, Michigan. Central Michigan Community Hospital holds License No. 21-08966-01, Amendment 37, issued by the Nuclear Regulatory Commission (NRC or Commission) pursuant to 10 CFR Parts 30 and 35 on August 10, 1998. The license authorizes the medical use of byproduct material for diagnostic and therapy purposes in accordance with the conditions specified therein. Ms. Rowland was authorized to use byproduct material under the supervision of an authorized user.

II

On June 22 to July 2, 1998, an inspection was conducted at the licensee's facility to determine whether activities were performed safely and according to NRC requirements. During the inspection, hospital staff informed the NRC that on August 2, 1996, an emergency lung scan, using technetium-99m, was conducted by an unqualified individual who was not under the supervision of an authorized user. Ms. Rowland, the on-call nuclear medicine technician (NMT), was unable to respond to the hospital's page and arranged for another hospital technician to conduct the lung scan, with Ms. Rowland on the telephone talking the other technician through the nuclear medicine procedure. While all activities were properly performed, the second individual was not qualified to perform the procedure and was not under the supervision of an authorized user in accordance with NRC requirements.

Based on the inspection results, the NRC Office of Investigations (OI) conducted an investigation to determine whether Ms. Rowland conspired with another hospital technician to deliberately violate NRC requirements by having the unqualified technician

perform the lung scan without being under the supervision of an authorized user. The OI investigation concluded that Ms. Rowland and the unqualified technician conspired to deliberately cause the licensee to be in violation by having the unqualified and unsupervised individual perform the lung scan.

A predecisional enforcement conference was held with Ms. Rowland on January 26, 1999, to discuss the incident and obtain her perspective on the issue. Based on the information provided by Ms. Rowland during the conference, OI conducted a supplemental investigation to determine whether she provided inaccurate information to NRC staff during the conference. The OI investigation concluded that Ms. Rowland provided false information to the NRC relating to who performed the lung scan on August 2, 1996.

The OI investigators coordinated the results of their investigation with the U.S. Attorney's Office, Grand Rapids, Michigan, and Ms. Rowland was subsequently prosecuted for providing false information to the NRC. On November 30, 2000, Ms. Rowland pleaded guilty in the United States District Court for the Western District of Michigan to a criminal charge involving knowingly providing false statements to the NRC.

### III

Based on the above, it appears that Paige Rowland, while an employee of the Licensee, engaged in deliberate misconduct that caused the Licensee to be in violation of 10 CFR 35.11(b) and her in violation of 10 CFR 30.10(a)(1). It further appears that Ms. Rowland has deliberately provided to NRC staff information that she knew to be incomplete or inaccurate in some respect material to the NRC, in violation of 10 CFR 30.10(a)(2). The NRC must be able to rely on the licensee and its employees to comply with NRC requirements and to provide information that is complete and accurate in all material respects. Ms. Rowland's deliberate action causing the licensee to violate 10 CFR 35.11(b) and her misrepresentations to the NRC have raised serious doubt whether she can be relied upon to comply with NRC requirements, to refrain from deliberately violating NRC rules and regulations, and to provide complete and accurate information to the NRC.

Consequently, I lack the requisite reasonable assurance that licensed activities can be conducted in compliance with the Commission's requirements and that the health and

safety of the public will be protected if Ms. Rowland were permitted at this time to be involved in NRC-licensed activities. Therefore, the public health, safety and interest require that Ms. Rowland be prohibited from any involvement in NRC-licensed activities for a period of five years from November 30, 2000 (the date of her conviction). Additionally, Ms. Rowland is required to notify the NRC of her first employment in NRC-licensed activities for a period of five years following the prohibition period. Furthermore, pursuant to 10 CFR 2.202, I find that the significance of Ms. Rowland's conduct described above is such that the public health, safety and interest require that this Order be immediately effective.

Accordingly, pursuant to sections 81, 161b, 161i, 161o, 182 and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202, 10 CFR 30.10, and 10 CFR 150.20, *It Is Hereby Ordered, Effective Immediately, That:*

1. Paige Rowland is prohibited for five years from November 30, 2000, from engaging in NRC-licensed activities. NRC-licensed activities are those activities that are conducted pursuant to a specific or general license issued by the NRC, including, but not limited to, those activities of Agreement State licensees conducted pursuant to the authority granted by 10 CFR 150.20.

2. If Ms. Rowland is currently involved with another licensee in NRC-licensed activities, she must immediately cease those activities, and inform the NRC of the name, address and telephone number of the employer, and provide a copy of this order to the employer.

3. For a period of five years after the five-year period of prohibition has expired, Ms. Rowland shall, within 20 days of acceptance of her first employment offer involving NRC-licensed activities or her becoming involved in NRC-licensed activities, as defined in Paragraph IV.1 above, provide notice to the Director, Office of Enforcement, U. S. Nuclear Regulatory Commission, Washington, DC 20555, of the name, address, and telephone number of the employer or the entity where she is, or will be, involved in the NRC-licensed activities. In the notification, Ms. Rowland shall include a statement of her commitment to compliance with regulatory requirements and the basis why the Commission should have confidence that she will now comply with applicable NRC requirements.

The Director, OE, may, in writing, relax or rescind any of the above

conditions upon demonstration by Ms. Rowland of good cause.

### V

In accordance with 10 CFR 2.202, Ms. Rowland must, and any other person adversely affected by this Order may, submit an answer to this Order, and may request a hearing on this Order, within 20 days of the date of this Order. Where good cause is shown, consideration will be given to extending the time to request a hearing. A request for extension of time must be made in writing to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and include a statement of good cause for the extension. The answer may consent to this Order. Unless the answer consents to this Order, the answer shall, in writing and under oath or affirmation, specifically admit or deny each allegation or charge made in this Order and shall set forth the matters of fact and law on which Ms. Rowland or other person adversely affected relies and the reasons as to why the Order should not have been issued. Any answer or request for a hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Attn: Rulemakings and Adjudications Staff, Washington, DC 20555. Copies also shall be sent to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, to the Assistant General Counsel for Materials Litigation and Enforcement at the same address, to the Regional Administrator, NRC Region III, 801 Warrenville Road, Lisle, Illinois 60532-4351, and to Ms. Rowland if the answer or hearing request is by a person other than Ms. Rowland. If a person other than Ms. Rowland requests a hearing, that person shall set forth with particularity the manner in which his or her interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.714(d).

If a hearing is requested by Ms. Rowland or a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Order should be sustained.

Pursuant to 10 CFR 2.202(c)(2)(i), Ms. Rowland, may, in addition to demanding a hearing, at the time the answer is filed or sooner, move the presiding officer to set aside the immediate effectiveness of the Order on the ground that the Order, including the need for immediate effectiveness, is not based on adequate evidence but on mere

suspicion, unfounded allegations, or error.

In the absence of any request for hearing, or written approval of an extension of time in which to request a hearing, the provisions specified in Section IV above shall be final 20 days from the date of this Order without further order or proceedings. If an extension of time for requesting a hearing has been approved, the provisions specified in Section IV shall be final when the extension expires if a hearing request has not been received. An answer or a request for hearing shall not stay the immediate effectiveness of this order.

Dated this 2nd day of April 2001.  
For the Nuclear Regulatory Commission.  
**Carl J. Paperiello,**  
*Deputy Executive Director for Materials,  
Research and State Programs.*  
[FR Doc. 01-8889 Filed 4-10-01; 8:45 am]  
BILLING CODE 7590-01-P

## NUCLEAR REGULATORY COMMISSION

[Docket No. 030-32714]

### Environmental Assessment: Finding of No Significant Impact, and Notice of Opportunity for a Hearing Related to Amendment of U.S. Nuclear Regulatory Commission Byproduct Materials, License 13-26398-01, Dow AgroSciences LLC

**AGENCY:** U.S. Nuclear Regulatory Commission (NRC).

**ACTION:** NRC plans to issue an amendment to NRC Byproduct Materials License 13-26398-01, authorizing use of carbon-14 (C-14) in field studies at the Dow AgroSciences Midwest U.S. Research Center located in Fowler, Benton County, IN.

**FOR FURTHER INFORMATION, CONTACT:** Binesh K. Tharakan, Office of Nuclear Material Safety and Safeguards, Mail Stop T8F5, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Telephone (301) 415-7138, e-mail: bkt@nrc.gov.

### Environmental Assessment

#### Background

This environmental assessment (EA) is being performed to evaluate the environmental impacts of the proposed amendment to Dow AgroSciences' NRC Byproduct Materials License 13-26398-01, which would permit the use of radioactive materials in field studies at the Dow AgroSciences' field research station known as the Midwest U.S. Research Center (hereafter referred to as

the Center). The Center is located at 1736 N 1200 E in Fowler (Benton County), IN.

In 1993 and again in 1996, this licensee (previously known as DowElanco) was approved for similar radiolabeled field studies at its former field research site known as the DowElanco Greenfield Field Research Station in Greenfield, IN. All radioisotope use ceased at the Greenfield Station and the site was decommissioned in 1998. Two previous **Federal Register** notices—58 FR 28638 and 61 FR 16937—describe using radioactive materials to provide data for previous “nature-of-residue,” “uptake,” and “crop rotation” field pesticide studies performed by this licensee. The purpose of the pesticide studies, which are similar to the requested studies, was explained in detail in each of these **Federal Register** notices. The field use of radiolabeled chemicals described for the proposed amendment (including study design, specific radioisotopes, amount used, and personnel training) is essentially unchanged from the previously licensed use at the Greenfield Station.

#### Proposed Action

The proposed action is to amend NRC's Dow AgroSciences Byproduct Materials License No. 13-26398-01, which was originally issued to DowElanco on September 21, 1992, to allow a maximum of 1110 megabecquerels (30 millicuries) of C-14 radiolabeled pesticides to be used in a year for outdoor agricultural field studies at the Center. The plots where the material will be used are described in the site characterization section of this document. The overall objective of these small plot field studies is to use radioactivity to identify the metabolic pathway for a given agrochemical after its application to a particular crop or to the soil in which the crop is grown. Once the metabolites have been isolated and structurally identified, it will then be possible to conduct non-radiolabeled studies, using large-scale field applications, to provide quantitative data on the metabolic residues found in the plants studied.

#### Need for the Proposed Action

The U.S. Environmental Protection Agency (EPA) requires these Center studies so it can make regulatory decisions on the registration of biologically active chemicals as pesticides, according to the criteria set forth in the amended Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). The use of radiolabeled materials is specifically required, in 40

CFR 158.240 and 158.290, to determine: (1) the “nature of residue” in crops after treatment with a biologically active chemical; and (2) the “uptake” of a soil-applied, biologically active chemical by crops grown in the treated soil. The analytical sensitivity afforded through the use of radioisotope labels in field studies is essential for isolation and identification of metabolites present in trace amounts in complex biological matrices. In the absence of such radiolabeled molecules, it would be extremely difficult to trace, isolate, and identify a single chemical in these complex matrices. EPA specifically identifies the use of radiolabeled test materials, in 40 CFR 158.240, to determine the “nature-of-residue” studies; no alternatives are given. The current amendment request proposes to perform studies at the Center similar to the C-14 field studies that were performed at the Greenfield Research Station.

These studies are being completed, as required by EPA, for registering the pesticide and permitting sale of the pesticide in the United States and abroad. Specifically, the Federal Food, Drug, and Cosmetic Act (as amended) requires pesticides intended for use on agricultural commodities to be registered by EPA under FIFRA (as amended).

#### Site Characteristics

The Center's land is fully owned by Dow AgroSciences and, as private land, it does not have a U. S. Bureau of Land Management designation. It is located in rural agricultural Benton County, IN. The Center's location consists of the following legal description: NE $\frac{1}{4}$  of S 9, T 25 N, R 6 W; and E $\frac{1}{2}$  of N $\frac{1}{4}$  S 9, T 25 N, R 6 W; and S $\frac{1}{2}$  of SW $\frac{1}{4}$  Section 4, T 25 N, R 6 W. It is bordered on the north by privately owned farm land used for growing row crops. The eastern portion of the Center property is bordered by County Road 1200 E, a moderately traveled country road. To the south, the Center's property abuts privately owned farmland used for growing row crops. Jackmon Ditch (county drainage ditch) drains from south to north and divides the property into one-third and two-third sections, perpendicular to the south border, with field plots to the east of the ditch designated as E-1 through E-8, and those to the west as W-1 through W-6. The west border abuts private farmland used for growing row crops. Big Pine Creek drains from east to west and runs diagonally from northeast to southwest through the center of the approximate 0.32 square kilometers (80 acres) of the Center's property that lies north of

County Road 200 N. County Road 200 N separates the northern sector of the Center (i.e., field plots N-1 through N-4 and the area of the irrigation storage basin) from the remainder of the property (i.e., the E fields, W fields, and the building site).

The Center is approximately 1.25 square kilometers (310 acres). The crop area covers 0.97 square kilometers (240 acres), whereas the non-crop areas cover 0.28 square kilometers (70 acres), including a 0.026-square-kilometer (6.5-acre) man-made basin used to contain irrigation water. There are approximately 0.029 square kilometers (7.25 acres) of apples and grapes. The buildings and lawn take up approximately 0.03 square kilometers (7.5 acres) and the grassed alleys and ditch bank cover approximately 0.23 square kilometers (56 acres). Two areas within the borders of the Center will be designated for radiolabeled field studies. The northwest corner of section W-6 will be designated for radiolabeled row crop studies, and individually identified trees in the orchard area, N-1, may occasionally be used, as well. At any time, less than 1 percent of the land is designated for radiolabeled field studies.

The Center is Class I and II capability agricultural land, according to the U. S. Department of Agriculture Soil Conservation Service. The site ecosystem is tilled farmland, and the property has been in agricultural production for as long as records have been kept in Benton County, IN. A geological investigation was made in 1997 when the present domestic water well was installed. The Center's soil consists of thick deposits of glacial origin. Extensive glaciers of Illinois and Wisconsin age covered this area during the Pleistocene period.

The geographically closest human community to the Center is Otterbein, located approximately 16 kilometers (10 miles) to the south in Benton County, IN. The population of Otterbein is 1291 (1990 Census). The population of Benton County is 9441 (1990 Census). The location of the maximally exposed individual is 450 meters (1475 feet) to the north of N1. The nearest farms (property line) are located 295 meters (955 feet) to the west of W6 plot and 21.6 meters (70 feet) to the north of N1.

#### *Endangered Species*

There are no Federally listed endangered species within Benton County, IN.

#### *Historical, Archaeological, and Cultural Sites*

The Dow AgroSciences site is not situated on or near any registered historical, archaeological, or cultural site, according to the National Park Service registry, and the State of Indiana, Department of Resources, Division of Historical Preservation and Archaeology.

#### *Environmental Impacts of the Proposed Action*

As stated above, the location of the closest human dwelling is 450 meters (1475 feet) to the north of N1, and the maximum radioactivity released in 1 year will be 1110 megabecquerels (30 millicurie). Using this information, impacts on water supplies and the dose to the maximally exposed individual are assessed. The radiological impact from the performance of field studies with radiolabeled materials at the Center has been calculated using both EPA's SCREEN 3 (a Gaussian Dispersion model) and COMPLY models.

#### *Impacts on the Food Chain*

The plants grown in radiolabeled studies will not be available for incorporation into the food chain. Test areas will be enclosed by a 2.1-meter (7-foot) chain link fence, and wire mesh or bird netting will be used to restrict bird and small rodent access to grain crops. All plant material generated will be used for laboratory research purposes or disposed of as radioactive waste. All contaminated soil will be removed from the site after harvest and disposed of as radioactive waste. Because of the precautions taken during application, the physical barriers in place to prevent wildlife access, and the removal of all soil and plant materials at the conclusion of the study, it is reasonable to conclude that the radiolabeled plant material is unlikely to enter the food chain by either direct human ingestion or indirect animal ingestion.

#### *Site-Specific Characteristics Affecting Surface Water and Ground Water*

The following profile of soil layers is provided by the domestic Well Log for the Center: 0-0.6 meters (0-2 feet) of topsoil; 0.6-11.7 meters (2-38 feet) of clay; 11.7-14.5 meters (38-46 feet) of coarse sand and gravel; 14.5-16.7 meters (46-54 feet) of gray clay; and 16.7-18.8 meters (54-61 feet) of coarse sand and gravel. The well is screened at 17.3-19.1 meters (56-62 feet). The underlying geography for the site does not include a principal aquifer.

The fields at the Center are equipped with drainage tiles, spaced approximately 18-meters (60-feet) apart

and 91-122 centimeters (36-48 inches) deep. The tile system providing drainage for W6 slopes to the east and dumps into Jackmon Ditch, approximately 12.4 meters (40 feet) south of Co. Rd. 200 N, which eventually dumps into Big Pine Creek. The tile system providing drainage for the orchard (N1) flows west into a trunk line that flows south and dumps into Big Pine Creek. Big Pine Creek is supplied by runoff from farms and roadways both upstream and downstream from the Center, which would significantly dilute any contribution from the Center.

#### *Results of Radioactive Monitoring During Similar Test at the Greenfield Station*

Dow AgroSciences will use the same application precautions, when applying radiolabeled pesticides at the Center, as were used during the Greenfield station applications. As a result of the precautions taken at Greenfield station during application of the radiolabeled test materials (e.g., 0.9-1.8-meter (3-6-foot)- wide sheets of plastic placed on the ground outside the plot borders during application; applications made only when wind speeds were <4.8 kilometers (<3 miles) per hour; etc.), 100 percent of the applied radioactivity was initially accounted for on the soil and/or plants within the test plot. Since wood borders, extending 15.2 centimeters (6 inches) above the soil surface and 10.2-15.2 centimeters (4-6 inches) below surface, surround the immediate plot area, there was minimal chance for lateral movement of the applied radioactivity from runoff. Combustion analyses of soil samples collected from outside plot borders at the Greenfield station at the termination of each study conducted there confirmed that no radioactivity was ever found outside the plots. Based on those results, it is not anticipated that any of the applied radioactivity will be found in the soil outside of the test plots at the Center.

Vertical movement of radioactivity in the soil column within a treated plot was monitored at the Greenfield site, to give an idea of the potential for movement of radioactivity into subsurface water. For most materials at the time the plots were remediated, the bulk of the applied radioactivity (75-90 percent) remained in the top 15.1 centimeters (6 inches) of the soil profile, whereas most of the remaining residues were usually accounted for in the 15-30-centimeter (6-12-inch) segments. For more mobile compounds, small amounts of the total applied radioactivity (1-10 percent) were

sometimes observed in the 30–45-centimeter (12–18-inch) and 45–60-centimeter (18–24-inch) segments. No significant levels of radioactivity were ever accounted for at depths below 60 centimeters (24 inches). These results indicated that radioactivity in typical study plots would not move deeply enough into the soil profile to get into ground water or be transported by the field tiles.

The tile system would remove the majority of water that infiltrates the soil, minimizing that which enters the ground or well-water supplies. Periodic monitoring of water in the field tiles that drained the radioactive plot area at the Greenfield location showed no detectable radioactivity in the drainage water. Based on those results, use of similar field tile systems, and the fact that the similar soil type at the Center site is also considered to have a low vulnerability to leaching, it is not anticipated that any of the applied radioactivity will be found in the water from the plot area. Past radiolabeled tests at the Greenfield location showed only minimal amounts of radiolabeled material at a maximum depth of 45–60 centimeters (18–24 inches) in the soil profile, and no radiolabeled material was ever found in “grab samples” collected from the field-tile drainage water.

#### *Ground-water Impacts*

Given these observations from the Greenfield station, the use of the same application precautions, use of similar wooden borders, similar soil types, and presence of a similar drainage field-tile system, it is not anticipated that any of the applied radioactivity will be found in the soil outside of the test plots, and it is not considered likely that radiolabeled material from the Center will contaminate ground water.

#### *Surface-Water Runoff*

An unrealistic worst-case and bounding radiological assessment can be estimated based on a severe rainfall event that washes all the applied activity from the plant or soil. Since both the crop and the soil would be expected to contain radioactive pesticides or their metabolites, a release of all of the applied activity could occur only if both the crop and the soil were washed over the 15.1-centimeter (6-inch) wooded border and away from the plot. The maximum activity to be used per application is 370 megabecquerels (10 millicuries), with a maximum per year, for the site, of 1110 megabecquerels (30 millicuries).

The 30-year average rainfall in the nine counties in the northwest district,

including Benton County, is 96.2 centimeters (37.86 inches), usually evenly distributed over the course of the year. The greatest monthly rainfall from 1972 to 1996 occurred in June 1993, when 25.8 centimeter (10.15 inches) were recorded. If 25.8 centimeters (10.15 inches) of rain were to fall over the 70-meter by 70-meter (230-foot by 230-foot) W6 research plot, where 1110 megabecquerels (30 millicurie) of C-14 had been applied, a volume of  $1260 \times 10^9$  cubic centimeters [milliliters (ml)] of water would leave the plot as surface runoff. If 100 percent of an 1110-megabecquerels (30-millicurie) application were lost to surface runoff during this rainfall, the activity concentration of the surface runoff from the plot would be 0.89 becquerel per ml (0.024 nanocurie per ml). This is below 1.11 becquerel per ml (0.030 nanocurie per ml), the C-14 water-effluent limit in 10 CFR Part 20 (Appendix B, Table II, Column 2). This activity concentration lost to surface runoff would result in a dose of less than 0.5 millisievert (50 millirem) to a member of the public, if it were ingested continuously over an entire year.

The plot runoff would be significantly diluted by the surface-water runoff from the rest of the Center and further diluted after it entered Big Pine Creek, which would also contain a large volume of runoff from the road and surrounding farms. It is reasonable to assume that significant dilution would occur and greatly reduce any potential dose to an individual off-site.

#### *Dose to the Maximally Exposed Individual*

The EPA SCREEN model was used to estimate potential airborne concentrations of C-14 inhalation doses to the maximally exposed individual (i.e., the nearest resident located 450 meters (1475 feet) downwind from the test plot). This is a worst-case scenario, using unrealistically constant meteorological conditions and extremely conservative assumptions in the estimations. The scenario modeled assumed that the release of the maximum amount of C-14 applied in one year is 1110 megabecquerels (30 millicurie); that 100 percent of the applied C-14 is emitted as carbon dioxide; that there are constant meteorological conditions for the entire year [D-stability class during the day and F-stability class during the night, 1 meter per second (3.3 feet per second) wind speed, and the wind direction is constant in the direction of the nearest resident]. Under these conditions, the annual average concentration resulting from the use of C-14 radiolabeled

material at the Center would be 0.345 picograms per cubic meter (345 attograms per ml) of air. This corresponds to a worst-case and bounding air concentration of 0.056 microbecquerel per ml (0.0015 femtocurie per ml) at the receptor site and a maximum annual intake, by the maximally exposed individual, of 0.7 kilobecquerel (11 nanocuries). ]

To put these values into perspective, they are compared with values in Part 20. The air concentration value is a small fraction of the Part 20 limit, 110,000 microbecquerel per ml (300 femtocurie per ml), for carbon dioxide effluent release which, if inhaled continuously over the course of a year, would result in a total effective dose equivalent of 0.5 millisievert (50 millirem). The annual intake value is a small fraction of the Part 20 annual limit on the intake value of 74 megabecquerels (2 millicuries) which would result in a dose of 0.5 millisievert (50 millirem). In fact, based on the estimated annual intake value determined from the EPA SCREEN model, the estimated dose to a member of the public is less than 0.0005 millisievert (0.0001 millirem).

The EPA COMPLY model was also used to evaluate the worst-case and bounding dose to the general public from all pathways, including inhalation, ingestion of contaminated food, immersion, and ground deposition. Again, the maximum activity of 1110 megabecquerels (30 millicuries) of C-14 was assumed to be released in 1 year, at a distance of 450 meters (1475 feet) from the nearest residence. The COMPLY program calculated the maximum effective whole body dose for the maximally exposed individual to be 0.00069 millisievert per year (0.069 millirem per year), an amount well below the NRC regulatory limit of 1 millisievert (100 millirem) per year and EPA's clean air act concentration limit of 0.1 millisievert (10 mrem).

Further evaluation of the offsite analysis was not considered necessary.

#### *Alternatives to the Proposed Action*

As required by Section 102(2)(E) of the National Environmental Policy Act (NEPA) [(42 U.S.C. 4322(2)(E))], possible alternatives to the final action have been considered. One alternative to the field studies is the treatment of greenhouse-grown plants with the radiolabeled research chemical. A second alternative is not to perform the studies. However, these alternatives are not feasible for two reasons. First, not all plants can be grown successfully in a greenhouse. Second, EPA requires the C-14 field studies to be conducted at the Center.

The EPA-required studies must evaluate the behavior of agricultural chemicals under normal agriculture conditions.

Dow AgroSciences is already authorized to conduct studies on greenhouse-grown plants with radiolabeled research chemicals at its Indianapolis research facility; however, this is not a viable alternative to collecting data generated by outdoor field studies. Greenhouse studies provide an unnaturally stable environment void of normal weathering field conditions, which traditionally leads to non-representative metabolic profiles. Photolysis, heat, humidity, and other conditions influence the degradative processes that occur in the soil and on the plant surface. EPA requires the identities of the degradates formed as a result of these natural outdoor conditions.

#### *Agencies and Persons Contacted*

NRC contacted Dow AgroSciences; the Bloomington, IN, field office of the U.S. Fish & Wildlife Service; the National Park Service Registry; the State of Indiana, Department of Resources, Division of Historical Preservation and Archaeology; and the State of Indiana, Department of Health, Indoor & Radiological Health Division. The U.S. Fish & Wildlife Service provided information regarding Federally listed endangered species. The National Park Service Registry and the State of Indiana, Department of Resources, provided information on registered historical and archaeological sites. The State of Indiana, Department of Health, Indoor & Radiological Health Division agrees with the proposed action and has no additional comments.

#### *References*

1. Letter dated September 10, 1999, from Dow AgroSciences to U.S. NRC Region III, Lisle, IL, requesting amendment of Byproduct Materials License Number 13-26398-01.
2. Letter dated May 3, 2000, from Dow AgroSciences to U.S. NRC, Washington, DC, providing clarification to the amendment request.
3. **Federal Register** notice, Volume 58, pages 28638-28645, "Environmental Assessment, Finding of No Significant Impact, and Notice of Opportunity for a Hearing Related to Amendment of Byproduct Materials License 13-26398-01, DowElanco," Washington, DC, 1993.
4. **Federal Register** notice, Volume 61, pages 16937-16940, "DowElanco, Environmental Assessment: Finding of No Significant Impact and Notice of Opportunity for Hearing Related to Amendment of Byproduct Materials License Number 13-26398-01," Washington, DC, 1996.
5. *Ground Water Atlas of the U.S.*, Segment 10, Hydrogeological Investigations Atlas 730-K, U.S. Geological Survey, 1995.

#### **Finding of No Significant Impact**

Pursuant to NEPA and the Commission's regulations in 10 CFR Part 51, the Commission has determined that there will not be a significant effect on the quality of the human environment resulting from the use of C-14 in field studies at the Dow AgroSciences' Midwest U.S. Research Center located in Fowler, Benton County, IN. Accordingly, the preparation of an Environmental Impact Statement is not required for the amendment to Byproduct Materials License 13-26398-01, which will authorize the use of C-14 in field studies at the Center. This determination is based on the foregoing EA performed in accordance with the procedures and criteria in Part 51, "Environmental Protection Regulations for Domestic Licensing and Related Regulatory Functions."

The Dow AgroSciences amendment request and related documents are available for inspection and copying for a fee in the Region III Public Document Room, 801 Warrenville Road, Lisle, IL 60532-4351. The documents may also be viewed on the Agency-wide Documents Access and Management System located on the NRC website at [www.nrc.gov](http://www.nrc.gov)

#### **Notice of Opportunity for a Hearing**

Any person whose interest may be affected by the issuance of this action may file a request for a hearing. Any request for hearing must be filed with the Office of the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555, within 30 days of the publication of this notice in the **Federal Register**; be served on the NRC staff (Executive Director for Operations, One White Flint North, 11555 Rockville Pike, Rockville, Maryland 20852), and on the licensee (Dow AgroSciences, LLC, 9330 Zionsville Road, Indianapolis, IN 46268-1054); and must comply with the requirements for requesting a hearing set forth in the Commission's regulations, 10 CFR Part 2, Subpart L, "Information Hearing Procedures for Adjudications in Materials Licensing Proceedings."

These requirements, which the request must address in detail, are:

1. The interest of the requestor in the proceeding;
2. How that interest may be affected by the results of the proceeding (including the reasons why the requestor should be permitted a hearing);
3. The requestor's areas of concern about the licensing activity that is the subject matter of the proceeding; and

4. The circumstances establishing that the request for hearing is timely—that is, filed within 30 days of the date of this notice.

In addressing how the requestor's interest may be affected by the proceeding, the request should describe the nature of the requestor's right under the Atomic Energy Act of 1954, as amended, to be made a party to the proceeding; the nature and extent of the requestor's property, financial, or other (i.e., health, safety) interest in the proceeding; and the possible effect of any order, that may be entered in the proceeding, on the requestor's interest.

Dated at Rockville, Maryland, this 5th day of April, 2001.

For The Nuclear Regulatory Commission.

**John W. N. Hickey,**

*Chief, Material Safety and Inspection Branch, Division of Industrial and Medical Nuclear Safety, Office of Nuclear Material Safety and Safeguards.*

[FR Doc. 01-8890 Filed 4-10-01; 8:45 am]

**BILLING CODE 7590-01-P**

#### **NUCLEAR REGULATORY COMMISSION**

**[Docket 72-37]**

#### **Exelon Generation Company, LLC Dresden Independent Spent Fuel Storage Installation; Issuance of Environmental Assessment and Finding of No Significant Impact**

The U.S. Nuclear Regulatory Commission (NRC or Commission) is considering issuance of an exemption, pursuant to 10 CFR 72.7, from the provisions of 10 CFR 72.212(a)(2), 72.212(b)(2)(i)(A), and 72.214 to Exelon Generation Company, LLC (EGC). The requested exemption would allow EGC to deviate from the requirements of Certificate of Compliance 1014 (the Certificate), Appendix B, Table 2.1-3, "BWR Fuel Assembly Characteristics," which describes the acceptable fuel design characteristics. Some of the fuel assemblies EGC plans to store in the HI-STORM casks have parameters outside those specified in the Certificate, Appendix B, Table 2.1-3. The requested exemption would allow, in addition to the parameters in Appendix B, Table 2.1-3, boiling water reactor (BWR) fuel assemblies with the following fuel assembly characteristics:

- Fuel assembly maximum design initial uranium mass  $\leq 110$  kg/assembly
- Fuel assembly array/class 6x6A fuel rod clad ID  $\leq 0.5105$  inches
- Fuel assembly array/class 6x6A fuel pellet diameter  $\leq 0.4980$  inches
- Fuel assembly array/classes 6x6A and 6x6B fuel rod pitch  $\leq 0.710$  inches



Fuel assembly array/classes 6x6A, 6x6B, and 8x8A active fuel length  $\leq$  120 inches

Fuel assembly array/classes 6x6A and 6x6B number of fuel rod locations "35 or 36"

Fuel assembly array/class 8x8A number of fuel rod locations "63 or 64"

Fuel assembly array/classes 6x6A, 6x6B, and 8x8A number of water rods "1 or 0"

Fuel assembly array/classes 6x6A, 6x6B, and 8x8A water rod thickness  $\geq$  0 inches

The requested exemption would also allow EGC to deviate from the requirements of the Certificate, Appendix B, Items 3.4.6.a, 3.4.6.b and 3.4.6.d and place HI-STORM 100 Cask Systems, loaded with spent nuclear fuel, on a concrete storage pad with a concrete thickness of less than or equal to 28 inches, concrete compressive strength of less than or equal to 6,000 psi at 28 days, and soil effective modulus of elasticity of less than or equal to 16,000 psi at the Dresden Nuclear Power Station (Dresden) Independent Spent Fuel Storage Installation (ISFSI).

#### Environmental Assessment (EA)

*Identification of Proposed Action:* By letters dated January 11, February 16, and March 2, 2001, EGC requested an exemption from the requirements of 10 CFR 72.212(a)(2), 72.212(b)(2)(i)(A), and 72.214 to deviate from the requirements of Certificate of Compliance 1014, Appendix B, Table 2.1–3 and Items 3.4.6.a, 3.4.6.b and 3.4.6.d. EGC is a general licensee, authorized by NRC to use spent fuel storage casks approved under 10 CFR Part 72, Subpart K.

EGC plans to use the HI-STORM 100 Cask System to store spent nuclear fuel, generated at the Dresden Nuclear Power Station, at an ISFSI located in Morris, Illinois, on the Dresden Nuclear Power Station site. The Dresden ISFSI has been constructed for interim dry storage of spent nuclear fuel.

By exempting EGC from 10 CFR 72.212(a)(2), 72.212(b)(2)(i)(B), and 72.214, EGC will also be authorized to load HI-STORM 100 Cask Systems with fuel assemblies with the following characteristics:

Fuel assembly maximum design initial uranium mass  $\leq$  110 kg/assembly

Fuel assembly array/class 6x6A fuel rod clad ID  $\leq$  0.5105 inches

Fuel assembly array/class 6x6A fuel pellet diameter  $\leq$  0.4980 inches

Fuel assembly array/classes 6x6A and 6x6B fuel rod pitch  $\leq$  0.710 inches

Fuel assembly array/classes 6x6A, 6x6B, and 8x8A active fuel length  $\leq$  120 inches

Fuel assembly array/classes 6x6A and 6x6B number of fuel rod locations "35 or 36"

Fuel assembly array/class 8x8A number of fuel rod locations "63 or 64"

Fuel assembly array/classes 6x6A, 6x6B, and 8x8A number of water rods "1 or 0"

Fuel assembly array/classes 6x6A, 6x6B, and 8x8A water rod thickness  $\geq$  0 inches

The fuel assembly characteristics specified above would be in addition to those specified in Certificate of Compliance 1014, Appendix B, Table 2.1–3.

By exempting EGC from 10 CFR 72.212(a)(2), 72.212(b)(2)(i)(B), and 72.214, EGC will also be authorized to place loaded HI-STORM 100 Cask Systems on cask storage pads that include the following characteristics:

(1) Concrete Thickness:  $\leq$  28 inches

(2) Concrete Compressive Strength:  $\leq$  6,000 psi at 28 days

(3) Soil Effective Modulus of Elasticity:  $\leq$  16,000 psi

The storage pad characteristics specified above would be in lieu of those specified in Certificate of Compliance 1014, Appendix B, Items 3.4.6.a, 3.4.6.b, and 3.4.6.d, respectively. The proposed action before the Commission is whether to grant this exemption under 10 CFR 72.7.

The NRC staff has reviewed the exemption requests and determined that loading fuel assemblies with the revised characteristics and placement of HI-STORM 100 Cask Systems on storage pads with the revised characteristics would have minimal impact on the design basis and would not be inimical to public health and safety.

*Need for the Proposed Action:* There are a number of Dresden Unit 1 spent fuel assemblies in the Dresden Unit 2 spent fuel pool. To maintain full core offload capability in the Dresden Unit 2 spent fuel pool once new fuel arrives in the Summer of 2001, EGC needs to begin loading spent fuel into storage casks in Spring of 2001. Unless the exemption is granted, the fuel assemblies and storage pads at the Dresden ISFSI will not be in full conformance with the Certificate. The NRC is proposing to grant this exemption based on the staff's technical review of information submitted by EGC.

*Environmental Impacts of the Proposed Action:* The potential environmental impact of using the HI-STORM 100 Cask System was initially presented in the Environmental Assessment (EA) for the Final Rule to add the HI-STORM 100 Cask System to

the list of approved spent fuel storage casks in 10 CFR 72.214 (65 FR 25241, 05/01/00). Furthermore, each general licensee must assess the environmental impacts of the specific ISFSI in accordance with the requirements of 10 CFR 72.212(b)(2). This section also requires the general licensee to perform written evaluations to demonstrate compliance with the environmental requirements of 10 CFR 72.104, "Criteria for radioactive materials in effluents and direct radiation from an ISFSI or MRS [Monitored Retrievable Storage Installation]."

The HI-STORM 100 Cask System is designed to mitigate the effects of design basis accidents that could occur during storage. Design basis accidents account for human-induced events and the most severe natural phenomena reported for the site and surrounding area. Postulated accidents analyzed for an ISFSI include tornado winds and tornado generated missiles, design basis earthquake, design basis flood, accidental cask drop, lightning effects, fire, explosions, and other incidents.

The HI-STORM 100 Cask System consists of a stainless steel multi-purpose canister and a concrete and steel overpack. The welded MPC provides confinement and criticality control for the storage and transfer of spent nuclear fuel. The overpack provides radiation shielding and structural protection of the MPC during storage. Special design feature requirements for the cask and for the site are specified in Certificate of Compliance 1014, Appendix B. These include the storage pad design characteristics.

Considering the specific cask and site design requirements for each accident condition, the design of the cask would prevent loss of containment, shielding, and criticality control. Without the loss of either containment, shielding, or criticality control, the risk to public health and safety is not compromised.

The staff performed a safety evaluation of the proposed exemption. The staff found that the proposed exemption is consistent with the criticality, shielding, thermal and cask drop and tipover analyses presented in the revised Safety Analyses Report for the HI-STORM 100 Cask System and does not reduce the safety margin. The staff has determined that loading fuel assemblies that include the following design characteristics does not pose any increased risk to public health and safety.

Fuel assembly maximum design initial uranium mass  $\leq$  110 kg/assembly  
Fuel assembly array/class 6x6A fuel rod clad ID  $\leq$  0.5105 inches



Fuel assembly array/class 6x6A fuel pellet diameter  $\leq 0.4980$  inches  
 Fuel assembly array/classes 6x6A and 6x6B fuel rod pitch  $\leq 0.710$  inches  
 Fuel assembly array/classes 6x6A, 6x6B, and 8x8A active fuel length  $\leq 120$  inches  
 Fuel assembly array/classes 6x6A and 6x6B number of fuel rod locations "35 or 36"  
 Fuel assembly array/class 8x8A number of fuel rod locations "63 or 64"  
 Fuel assembly array/classes 6x6A, 6x6B, and 8x8A number of water rods "1 or 0"  
 Fuel assembly array/classes 6x6A, 6x6B, and 8x8A water rod thickness  $\geq 0$  inches

The staff has also determined that placement of loaded HI-STORM 100 Cask Systems on storage pads with a (1) concrete thickness of less than or equal to 28 inches, (2) concrete compressive strength of less than or equal to 6,000 psi at 28 days, and (3) soil effective modulus of elasticity less than or equal to 16,000 psi does not pose any increased risk to public health and safety. Furthermore, the proposed action now under consideration would not change the potential environmental effects assessed in the initial rulemaking (65 FR 25241, 05/01/00).

Therefore, the staff has determined that there is no reduction in the safety margin nor significant environmental impacts as a result of loading fuel assemblies with the revised characteristics (as specified above) and placing loaded HI-STORM 100 Cask Systems on storage pads with a concrete thickness of less than or equal to 28 inches, concrete compressive strength of less than or equal to 6,000 psi at 28 days, and soil effective modulus of elasticity less than or equal to 16,000 psi.

*Alternative to the Proposed Action:* Since there is no significant environmental impact associated with the proposed action, alternatives with

equal or greater environmental impact are not evaluated. The alternative to the proposed action would be to deny approval of the exemption. Denial of the exemption request will have the same environmental impact.

*Agencies and Persons Consulted:* On March 20, 2001, Mr. F. Niziolek, Reactor Safety Section Head, Illinois Department of Nuclear Safety, was contacted about the Environmental Assessment for the proposed action and had no comments.

#### Finding of No Significant Impact

The environmental impacts of the proposed action have been reviewed in accordance with the requirements set forth in 10 CFR part 51. Based upon the foregoing EA, the Commission finds that the proposed action of granting an exemption from 10 CFR 72.212(a)(2), 72.212(b)(2)(i)(A), and 72.214 so that EGC may load HI-STORM 100 Cask Systems with revised (as specified above) fuel assembly characteristics and place loaded HI-STORM 100 Cask Systems on concrete storage pads with a concrete thickness of less than or equal to 28 inches, concrete compressive strength of less than or equal to 6,000 psi at 28 days, and soil effective modulus of elasticity less than or equal to 16,000 psi at the Dresden ISFSI will not significantly impact the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed exemption.

The request for exemption was docketed under 10 CFR Part 72, Docket 72-37. For further details with respect to this action, see the exemption requests dated January 11, February 16, and March 2, 2001, which are available for public inspection at the Commission's Public Document Room, One White Flint North Building, 11555 Rockville Pike, Rockville, Maryland 20852, or from the publicly available

records component of NRC's Agencywide Documents Access and Management System (ADAMS). ADAMS is accessible from the NRC web site at <http://www.nrc.gov/NRC/ADAMS/index.html> (the Public Electronic Reading Room).

Dated at Rockville, Maryland, this 3rd day of April 2001.

For the Nuclear Regulatory Commission.

**E. William Brach,**

*Director, Spent Fuel Project Office, Office of Nuclear Material Safety and Safeguards.*

[FR Doc. 01-8894 Filed 4-10-01; 8:45 am]

BILLING CODE 7590-01-P

## NUCLEAR REGULATORY COMMISSION

### Application for a License To Export Radioactive Waste

Pursuant to 10 CFR 110.70(b)(4) "Public notice of receipt of an application," please take notice that the Nuclear Regulatory Commission has received the following applications for export licenses. Copies of the applications are available electronically through ADAMS and can be accessed through the Public Electronic Reading Room (PERR) link <http://www.nrc.gov/NRC/ADAMS/index.htm> at the NRC Homepage.

A request for a hearing or petition for leave to intervene may be filed within 30 days after publication of this notice in the **Federal Register**. Any request for hearing or petition for leave to intervene shall be served by the requestor or petitioner upon the applicant, the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington DC 20555; the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555; and the Executive Secretary, U.S. Department of State, Washington, DC 20520.

The information concerning the application follows.

#### NRC EXPORT LICENSE APPLICATION

Name of applicant; date of application; date received; application No.	Description of material			Country of destination
	Material type	Total qty.	End use	
Framatome ANP, Richland, Inc., January 26, 2001, February 9, 2001, XW005.	Class A—Radioactive waste (slightly contaminated non-combustibles, consisting of glass/metal/slag).	20 kilograms low enriched uranium (approx. 600 kgs total net weight).	Return of waste material to Germany.	Germany.
Framatome ANP, Richland, Inc., January 26, 2001, February 9, 2001, XW006.	Class A—Radioactive waste (contaminated incinerator ash and noncombustibles consisting of metal).	20 kilograms low enriched uranium (approx. 1500 kgs net weight).	Return of waste material to Germany.	Germany.

For the Nuclear Regulatory Commission.  
Dated this 4th day of April 2001 at  
Rockville, Maryland.

**Ronald D. Hauber,**

*Deputy Director, Office of International  
Programs.*

[FR Doc. 01-8887 Filed 4-10-01; 8:45 am]

BILLING CODE 7590-01-P

## NUCLEAR REGULATORY COMMISSION

### Notice of Additional Scoping Meeting for the Mixed Oxide Fuel Fabrication Facility

**AGENCY:** Nuclear Regulatory  
Commission.

**ACTION:** Notice of additional scoping  
meeting.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) announces its intent to conduct an additional scoping meeting associated with the preparation of an Environmental Impact Statement (EIS) for construction, operation and deactivation of a proposed Mixed Oxide (MOX) Fuel Fabrication Facility (Facility) to be constructed at the Department of Energy's (DOE) Savannah River Site (SRS) in South Carolina. The NRC published a Notice of Intent to prepare an Environmental Impact Statement for the mixed oxide fuel fabrication facility (NOI) in the **Federal Register** on March 7, 2001 (66 FR 13794). The NOI announced two meetings on April 17 and 18, 2001, in North Augusta, South Carolina, and Savannah, Georgia, respectively. In addition to these meetings, we will hold a scoping meeting on May 8, 2001, in Charlotte, North Carolina.

**DATES:** The public scoping process required by the National Environmental Policy Act began with publication of the NOI in the **Federal Register** and continues until May 21, 2001. Written comments submitted by mail should be postmarked by that date to ensure consideration. Comments mailed after that date will be considered to the extent practical.

The public scoping meetings are to assist the NRC in defining the appropriate scope of the EIS, including the significant environmental issues to be addressed. The meeting dates, times and locations are listed below. Prior to the Scoping Meetings, NRC staff will be available to informally discuss the MOX project and answer questions in an "open house" format.

April 17, 2001

North Augusta Community Center, 496  
Brookside Drive, North Augusta, SC,

Scoping Meeting Time: 7:00 p.m. to  
10:00 p.m., Open House Time: 5:30  
p.m. to 7:00 p.m.

April 18, 2001

Coastal Georgia Center, 305 Martin  
Luther King Boulevard, Savannah,  
GA, Scoping Meeting Time: 7:00 p.m.  
to 10:00 p.m., Open House Time: 5:30  
p.m. to 7:00 p.m.

May 8, 2001

Charlotte-Mecklenburg Government  
Center, 600 E. Fourth Street,  
Charlotte, NC, Scoping Meeting Time:  
7:00 p.m. to 10:00 p.m., Open House  
Time: 6:00 p.m. to 7:00 p.m.

**ADDRESSES:** To register for a meeting, to provide comments or suggestions on the scope of the EIS, or to make requests for special arrangements to enable participation at scoping meetings (e.g., an interpreter for the hearing impaired), please contact: Tim Harris at (301) 415-6613 or Betty Garrett at (301) 415-5808.

**FOR FURTHER INFORMATION CONTACT:** For general or technical information pertaining to the proposed MOX Facility, please contact: Tim Johnson at (301) 415-7299 or Andrew Persinko at (301) 415-6522. For general information on the NRC environmental review process, please contact: Jennifer Davis at (301) 415-5874 or Tim Harris at (301) 415-6613.

### Availability of Documents for Review

Information and documents associated with the MOX project, including the Duke Cogema Stone & Webster Environmental Report submitted in December 2000, and the Construction Authorization Request, may be obtained from the internet on NRC's MOX web page: <http://www.nrc.gov/NRC/NMSS/MOX/index.html> (case sensitive). In addition, documents are available for public review through our electronic reading room: <http://www.nrc.gov/NRC/ADAMS/index.html>. Documents may also be obtained from NRC's Public Document Room at U.S. Nuclear Regulatory Commission, Public Document Room, Washington, DC 20555.

### SUPPLEMENTARY INFORMATION:

#### Scoping Meetings

One purpose of the NOI and this notice is to encourage public involvement in the EIS process and to solicit public comments on the proposed scope and content of the EIS.

Scoping is an early and open process designed to determine the range of actions, alternatives, and potential impacts to be considered in the EIS, and

to identify the significant issues related to the proposed action. It is intended to solicit input from the public and other agencies so that the analysis can be more clearly focused on issues of genuine concern. The principal goals of the scoping process are to:

- Ensure that concerns are identified early and are properly studied;
- Identify alternatives that will be examined;
- Identify significant issues that need to be analyzed;
- Eliminate unimportant issues; and
- Identify public concerns.

### Scoping Comments

Written comments may be mailed to Mike Lesar, Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, Mail Stop T6D59, U.S. Nuclear Regulatory Commission, Washington DC 20555. Interested parties may e-mail comments to [teh@nrc.gov](mailto:teh@nrc.gov). Comments also will be accepted by fax at 301-415-5398, Attention: Tim Harris.

Following the scoping meetings, NRC will make the scoping summaries available for public review through our electronic reading room: <http://www.nrc.gov/NRC/ADAMS/index.html>. The scoping meeting summaries will also be available on the NRC's MOX web page: <http://www.nrc.gov/NRC/NMSS/MOX/index.html> (case sensitive).

### The NEPA Process

The EIS for the MOX Facility will be prepared according to the National Environmental Policy Act of 1969, the Council on Environmental Quality's Regulations for Implementing the Procedural Provisions of NEPA (40 CFR parts 1500-1508), and NRC's NEPA Implementing Regulations (10 CFR part 51).

The draft EIS is scheduled to be published in February 2002. A 45-day comment period on the draft EIS is planned, and public meetings to receive comments will be held approximately three weeks after distribution of the draft EIS. Availability of the draft EIS, the dates of the public comment period, and information about the public meetings will be announced in the **Federal Register**, on NRC's MOX web page, and in the local news media when the draft EIS is distributed. The final EIS, which will incorporate public comments received on the draft EIS, is expected in September 2002.

Signed in Rockville, MD, this 5th day of April 2001.

For the Nuclear Regulatory Commission.  
**Sandra Wastler,**  
*Acting Chief, Environmental and  
 Performance Assessment Branch, Division of  
 Waste Management, Office of Nuclear  
 Material Safety and Safeguards.*  
 [FR Doc. 01-8891 Filed 4-10-01; 8:45 am]  
**BILLING CODE 7590-01-P**

## NUCLEAR REGULATORY COMMISSION

### Appointments to performance review boards for senior executive service

**AGENCY:** Nuclear Regulatory  
Commission.

**ACTION:** Appointment to Performance  
Review Boards for Senior Executive  
Service.

**SUMMARY:** The U.S. Nuclear Regulatory  
Commission (NRC) has announced the  
following appointments to the NRC  
Performance Review Boards.

The following individuals are  
appointed as members of the NRC  
Performance Review Board (PRB)  
responsible for making  
recommendations to the appointing and  
awarding authorities on performance  
appraisal ratings and performance  
awards for Senior Executives and Senior  
Level Service members:

Patricia G. Norry, Deputy Executive  
Director for Management Services  
R. William Borchardt, Associate  
Director for Inspection and Programs,  
Office of Nuclear Reactor Regulation  
Stephen G. Burns, Deputy General  
Counsel, Office of the General  
Counsel  
Margaret V. Federline, Deputy Director,  
Office of Nuclear Materials Safety and  
Safeguards  
Jesse L. Funches, Chief Financial Officer  
Jon R. Johnson, Deputy Director, Office  
of Nuclear Reactor Regulation  
Arnold E. Levin, Director, Applications  
Development Division, Office of the  
Chief Information Officer  
Paul H. Lohaus, Director, Office of State  
and Tribal Programs  
Hubert J. Miller, Regional  
Administrator, Region I  
Michael L. Springer, Director, Office of  
Administration  
Roy P. Zimmerman, Director, Office of  
Nuclear Regulatory Research

The following individuals will serve  
as members of the NRC PRB Panel that  
was established to review appraisals  
and make recommendations to the  
appointing and awarding authorities for  
NRC PRB members:

Karen D. Cyr, General Counsel, Office of  
the General Counsel  
William F. Kane, Deputy Executive  
Director for Reactor Programs, Office

of the Executive Director for  
Operations  
Carl J. Paperiello, Deputy Executive  
Director for Materials, Research and  
State Programs, Office of the  
Executive Director for Operations  
All appointments are made pursuant  
to Section 4314 of Chapter 43 of Title  
5 of the United States Code.

**EFFECTIVE DATE:** April 11, 2001.

#### FOR FURTHER INFORMATION CONTACT:

Carolyn J. Swanson, Secretary,  
Executive Resources Board, U.S.  
Nuclear Regulatory Commission,  
Washington, DC 20555, (301) 415-7530.

Dated at Rockville, Maryland, this 4th day  
of April 2001.

For the U.S. Nuclear Regulatory  
Commission.

**Carolyn J. Swanson,**  
Secretary,

*Executive Resources Board*

[FR Doc. 01-8892 Filed 4-10-01; 8:45 am]

**BILLING CODE 7590-01-P**

## OFFICE OF PERSONNEL MANAGEMENT

### Excepted Service

**AGENCY:** Office of Personnel  
Management.

**ACTION:** Notice.

**SUMMARY:** This gives notice of positions  
placed under Schedule C in the  
excepted service, as required by Civil  
Service Rule VI, Exceptions from the  
Competitive Service.

**FOR FURTHER INFORMATION CONTACT:** Pam  
Shivery, Director, Washington Service  
Center (202) 606-1015.

**SUPPLEMENTARY INFORMATION:** The Office  
of Personnel Management published its  
last monthly notice updating appointing  
authorities established or revoked under  
the Excepted Service provisions of 5  
CFR 213 on February 22, 2001 (66 FR  
11189). Individual authorities  
established under Schedule C between  
January 1, 2001, and January 31, 2001,  
appear in the listing below. Future  
notices will be published on the fourth  
Tuesday of each month, or as soon as  
possible thereafter. A consolidated  
listing of all authorities as of June 30, is  
published each year.

### Schedule C

The following Schedule C authorities  
were established during January 2001:

#### Commission on Civil Rights

Special Assistant to the Staff Director.  
Effective January 18, 2001.

#### Department of Commerce

Special Assistant to the Director,  
Office of Business Liaison. Effective  
January 8, 2001.

Deputy Director of Advance to the  
Deputy Chief of Staff for External  
Affairs. Effective January 8, 2001.

Special Assistant to the Director,  
Office of Public Affairs and Press  
Secretary. Effective January 11, 2001.

Special Assistant to the Director,  
Office of Business Liaison. Effective  
January 11, 2001.

Special Assistant to the Director of  
Public Affairs and Press Secretary.  
Effective January 12, 2001.

Confidential Assistant to the Deputy  
Chief of Staff for External Affairs.  
Effective January 16, 2001.

Special Assistant to the Deputy  
Assistant Secretary, Domestic  
Operations. Effective January 16, 2001.

Special Assistant to the Director,  
White House Liaison. Effective January  
17, 2001.

Senior Advisor to the Director,  
Secretariat for Electronic Commerce.  
Effective January 18, 2001.

#### Department of Education

Confidential Assistant to the Deputy  
Assistant Secretary for  
Intergovernmental and Constituent  
Relations. Effective January 2, 2001.

#### Department of Energy

Special Assistant to the Under  
Secretary. Effective January 12, 2001.

Special Assistant to the Director,  
Office of Management and  
Administration. Effective January 12,  
2001.

Special Assistant to the Director,  
Office of Management and  
Administration. Effective January 12,  
2001.

Special Assistant to the Assistant  
Secretary for Fossil Energy. Effective  
January 12, 2001.

Special Assistant for Communications  
to the Assistant Secretary for  
Environmental Management. Effective  
January 12, 2001.

Director of Communications to the  
Assistant Secretary, Office of Energy  
Efficiency and Renewable Energy.  
Effective January 12, 2001.

Special Assistant to the Director,  
Office of Policy. Effective January 17,  
2001.

#### Department of Housing and Urban Development

Staff Assistant to the Director of  
Executive Scheduling. Effective January  
4, 2001.

#### Department of Labor

Special Assistant to the Assistant  
Secretary, Occupational Safety and

Health Administration. Effective January 2, 2001.

Special Assistant to the Assistant Secretary, Occupational Safety and Health Administration. Effective January 2, 2001.

#### *Department of Transportation*

Senior Congressional Liaison Officer to the Director, Office of Congressional Affairs. Effective January 11, 2001.

#### *Environmental Protection Agency*

Communications Specialist to the Assistant Administrator for Air and Radiation. Effective January 2, 2001.

Communication Specialist to the Assistant Administrator for Water. Effective January 2, 2001.

#### *Equal Employment Opportunity Commission*

Attorney-Advisor (Civil Rights) to the Chairwoman. Effective January 18, 2001.

#### *Farm Credit Administration*

Executive Assistant to a Member, Farm Credit Administration Board. Effective January 11, 2001.

#### *Federal Deposit Insurance Corporation*

Confidential Assistant to the Deputy to the Chairman. Effective January 12, 2001.

#### *Federal Housing Finance Board*

Special Assistant to the Chairman. Effective January 19, 2001.

#### *Federal Trade Commission*

Confidential Assistant to a Commissioner. Effective January 19, 2001.

#### *National Credit Union Administration*

Special Assistant to the Executive Assistant for Governmental Relations. Effective January 16, 2001.

Staff Assistant to a Member. Effective January 18, 2001.

Special Assistant to the Executive Assistant for Governmental Relations. Effective January 18, 2001.

#### *National Endowment for the Arts*

Special Assistant to the Director, Office of Congressional and White House Liaison. Effective January 2, 2001.

#### *Occupational Safety and Health Review Commission*

Confidential Assistant to a Member (Commissioner), Occupational Safety and Health Review Commission. Effective January 17, 2001.

**Authority:** 5 U.S.C. 3301 and 3302; E.O. 10577, 3 CFR 1954-1958 Comp., P.218.

Office of Personnel Management.

**Steven R. Cohen,**

*Acting Director.*

[FR Doc. 01-8839 Filed 4-10-01; 8:45 am]

**BILLING CODE 6325-01-P**

## **SECURITIES AND EXCHANGE COMMISSION**

**[Release No. 35-27372]**

### **Filings Under the Public Utility Holding Company Act of 1935, as Amended ("Act")**

April 5, 2001.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated under the Act. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendment(s) is/are available for public inspection through the Commission's Branch of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by April 30, 2001, to the Secretary, Securities and Exchange Commission, Washington, DC 20549-0609, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for hearing should identify specifically the issues of facts or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After April 30, 2001, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

#### **The Southern Company (70-9869)**

##### *Notice of Proposal To Issue Securities; Order Authorizing Solicitation of Proxies*

The Southern Company ("Southern"), 270 Peachtree Street, NW., Atlanta, Georgia 30303, a registered public utility holding company, has filed a declaration under sections 6(a), 7 and 12(e) and rules 54, 62(d) and 65 of the Act.

Southern proposes, from time to time through May 22, 2011, to grant Incentive Stock Options, Nonqualified Stock

Options, Stock Appreciation Rights, Restricted Stock, Restricted Stock Units, Performance Shares, Performance Units and Cash Based Awards and to issue up to 30 million shares of its common stock, par value \$5.00 per share ("Common Stock"), under the Southern Company Omnibus Incentive Compensation Plan ("Plan").<sup>1</sup>

A committee appointed by the Board of Directors of Southern ("Committee") will administer the Plan. The composition of the Committee must comply with section 162(m) of the Internal Revenue Code of 1986, as amended ("Internal Revenue Code"). Currently, the Committee consists of two directors of Southern who are not employees of Southern or its subsidiaries. The Committee will have exclusive authority to interpret the Plan. The Plan will terminate May 22, 2011, unless terminated sooner by the Board of Directors.

Southern states the purpose of the Plan is to optimize the profitability and growth of Southern through annual and long-term incentives that are consistent with Southern's goal and that link the personal interest of participants to those of Southern's stockholders, to provide participants with an incentive for excellence in individual performance, to promote teamwork among participants and to provide flexibility to Southern in its ability to motivate, attract and retain key individuals with outstanding ability.

The Plan permits the Committee to grant, in its discretion, Incentive Stock Options and Nonqualified Stock Options (collectively, "Stock Options"), Stock Appreciation Rights, Restricted Stock, Restricted Stock Units, Performance Shares, Performance Units and/or Cash Based Awards to directors of Southern or certain of its subsidiaries and those employees, as determined by the Committee, who have a significant impact on the long-term performance and success of Southern. The Committee has determined that the approximate number of participants under the Plan initially will be 24,000, but may be changed at the Committee's discretion. Southern states that each award made under the Plan will be evidenced by an award agreement.

Nonqualified Stock Options entitle the participant to purchase up to the number of shares of Common Stock specified in the grant at a specified price ("Option Price"). The Committee will

<sup>1</sup> Thirty million shares of Common Stock are available for grants under the Plan. Additional shares of Common Stock will be transferred from the Southern Company Performance Stock Plan to this Plan and will also be available for grants under this Plan.

set the Option Price at the time a grant is made. The Committee will also set the period during which the Nonqualified Stock Options may be exercised at the time a grant is made.

Stock Options designated by the Committee as Incentive Stock Options are intended to comply with section 422 of the Internal Revenue Code. They will be granted only to employees and entitle the participant to purchase the specified number of shares of Common Stock at the Option Price not to more than 10 years from the date of the grant. The aggregate fair market value of Common Stock determined at the time of each grant for which any participant may vest in Incentive Stock Options under the Plan for any calendar year shall not exceed \$100,000.

Stock Options must be paid in full when exercised by the participant. The Committee, in its discretion, may permit the Option Price to be paid in whole or in part through the transfer to Southern of shares of Common Stock previously acquired by the participant.

Stock Appreciation Rights are rights that, when exercised, entitle the participant to the appreciation in value of the number of shares of Common Stock specified in the grant, from the date granted to the date exercised. The exercised Stock Appreciation Right may be paid in cash and/or Common Stock, as determined by the Committee. Stock Appreciation Rights may be granted in the sole discretion of the Committee in conjunction with an Incentive Stock Option or Nonqualified Stock Option. Stock Appreciation Rights may not be exercised more than 10 years after the date granted.

Restricted Stock awards are grants of shares of Common Stock that are held by Southern for the benefit of the participant without payment of consideration by the participant. There are restrictions or conditions on the participant's right to transfer or sell such shares. The Committee will establish a restriction period for each Restricted Stock award made. Subject to the terms of an award agreement, the participant may be entitled to dividends paid on the Restricted Stock and may have the right to vote such shares.

Restricted Stock Units are awards that entitle the participant to the value of shares of Common Stock at the end of a designated restriction period. Except for voting rights, Restricted Stock Units may have all of the characteristics of Restricted Stock, as described above. Restricted Stock Units may be paid out in cash or shares.

Performance Units, Performance Shares, Performance Stock Awards and Cash-Based Awards (collectively,

"Performance Awards") are awards that entitle the participant to a level of compensation based on the achievement of pre-established performance goals over a designated performance period. Performance Units shall have an initial value determined by the Committee. The value of a Performance Share will be the fair market value of Common Stock on the grant date. A Cash-Based Award will have the value determined by the Committee. At the beginning of the performance period the Committee will determine the number of Performance Units or Performance Shares awarded or the target value of Cash-Based Awards; the performance period; and the performance goals. At the end of the performance period, the Committee will determine the degree of achievement of the performance goals which will determine the level of payout. The Committee may set performance goals using any combination of the following criteria: (1) Earnings per share; (2) net income or net operating income (before or after taxes and before or after extraordinary items); (3) return measures (including, but not limited to, return on assets, equity or sales); (4) cash flow return on investments which equals net cash flows divided by owners equity; (5) earnings before or after taxes; (6) gross revenues; (7) gross margins; (8) share price (including, but not limited to, growth measures and total shareholder return); (9) economic value added, which equals net income or net operating income minus a charge for use of capital; (10) operating margins; (11) market shares; (12) revenue growth; (13) capacity utilization; (14) increase in customer base; (15) environmental health and safety; (16) diversity; and (17) quality.

Performance Awards may be paid in cash or shares of Common Stock or a combination of cash and shares of Common Stock, in the Committee's discretion.

The maximum aggregate number of shares of Common Stock that may be granted in the form of Stock Options, under any award granted in any one fiscal year to any one single participant, shall be 5,000,000 shares.

The maximum aggregate number of shares of Common Stock that may be granted in the form of Stock Appreciation Rights, under any award granted in any one fiscal year to any one participant, shall be 5,000,000 shares.

The maximum aggregate number of shares of Common Stock that may be granted with respect to awards of Restricted Stock granted in any one fiscal year to any one participant shall be 1,000,000 shares.

The maximum amount payable (determined at the end of the applicable restriction period) in any one fiscal year to any one participant for Restricted Stock Units is the higher of \$10,000,000 or 1,000,000 shares of Common Stock.

The maximum amount payable (determined as of the end of the applicable performance period) with respect to an award of Performance Shares granted in any one fiscal year to any one participant shall be equal to the larger of \$10,000,000 or 1,000,000 shares.

The maximum amount payable (determined as of the end of the applicable performance period) with respect to Performance Units or Cash-Based Awards awarded in any one fiscal year to any one participant shall be \$10,000,000.

If a change in control occurs all Stock Options, Stock Appreciation Rights, Restricted Stock and Restricted Stock Units will vest immediately and if the Plan is not continued or replaced with a comparable plan, pro-rata payments of all Performance Awards at not less than target-level performance will be paid.<sup>2</sup>

The Board of Directors of Southern has adopted the Plan, subject to stockholder approval. Approval of the Plan requires the affirmative vote of the holders of a majority of the shares of Common Stock represented in person or by proxy at the annual meeting.

Southern further proposes to solicit proxies from its stockholders and to submit the Plan for consideration and action by its stockholders at the annual meeting of stockholders to be held on May 23, 2001. Southern may employ professional proxy solicitors to assist in the solicitation of proxies and pay their expenses and compensation for such assistance which, it is estimated, will not exceed \$30,000.

Southern proposes to mail the notice of meeting, statement relating to the Plan, proxy statement and proxy to its shareholders for the annual meeting, and has filed its proxy solicitation materials relating to the Plan. Southern requests that an order authorizing the solicitation of proxies be issued as soon as practicable under rule 62(d). It appears to the Commission that Southern's declaration as it pertains to the proposed solicitation of proxies should be permitted to become effective immediately under rule 62(d).

The proposed transactions are subject to rule 54. Southern currently meets all the conditions of rule 53(a) under the Act, except for clause (1). Southern

<sup>2</sup> The Board of Directors of Southern may terminate or amend the Plan at any time except after a change in control.

states that, at December 31, 2000, its "aggregate investment," as defined in rule 53(a)(1), in exempt wholesale generators ("EWGs") and foreign utility companies ("FUCOs") was approximately \$2,420 billion, or approximately 53.52% of Southern's "consolidated retained earnings," also as defined in rule 53(a)(1) under the Act for the four quarters ended December 31, 2000 (\$4.522 billion). By order dated April 1, 1996 (HCAR No. 26501) ("April 1 Order"), the Commission authorized Southern to invest up to 100% of its consolidated retained earnings in EWGs and FUCOs. Southern's current aggregate investment in EWGs and FUCOs exceeds the limit specified in rule 53(a)(1) under the Act but is within the parameters authorized in the April 1 Order. For purposes of rule 54, Southern states that all other conditions specified in rule 53(a) are satisfied and that none of the adverse conditions specified in rule 53(b) exist.

Southern states that, as of December 31, 1995, the most recent fiscal year preceding the April 1 Order, Southern's consolidated capitalization consisted of 49.3% equity (including mandatorily redeemable preferred securities) and 50.7% debt (including \$1.68 billion of long-term, nonrecourse debt and short-term debt related to EWGs and FUCOs). As of December 31, 2000, that ratio was 58.1% equity<sup>3</sup> and 41.9% debt, including all nonrecourse debt. Southern further states that earnings attributable to its investments in international operations and competitive energy supply business made a positive contribution to earnings during the four calendar years since the Commission issued the order allowing Southern to invest up to 100% of its consolidated retained earnings in EWGs and FUCOs.

Fees, commissions and expenses to be incurred in connection with the proposed transactions are estimated to be \$675,000. Southern states that no state or federal commission, other than this Commission, has jurisdiction over the proposed transactions.

*It Is Ordered*, under rule 62 under the Act, that the declaration to the extent that it relates to the proposed solicitation of proxies is permitted to become effective immediately, subject to the terms and conditions contained in rule 24 under the Act.

<sup>3</sup> Excluding preferred stock and preferred securities from the equity component of Southern's consolidated capitalization, the equity component was 46.7% of total capitalization.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

**Jonathan G. Katz,**

*Secretary.*

[FR Doc. 01-8904 Filed 4-10-01; 8:45 am]

**BILLING CODE 8010-01-M**

## SECURITIES AND EXCHANGE COMMISSION

[Rel. No. IC-24929; File No. 812-12322]

### Jackson National Life Insurance Company of New York, et al.

April 5, 2001.

**AGENCY:** Securities and Exchange Commission ("SEC" or "Commission").

**ACTION:** Notice of Application for an Order under section 6(c) of the Investment Company Act of 1940 (the "1940 Act" or "Act") granting exemptions from the provisions of section 2(a)(32), and 27(i)(2)(A) and Rule 22c-1 thereunder.

*Applicants:* Jackson National Life Insurance Company of New York ("Jackson National NY"), JNLNY Separate Account I ("Separate Account I-NY" or "Separate Account"), Jackson National Life Distributors, Inc. ("JNLD") (collectively, "Applicants").

*Summary of Application:* Applicants seek an order under section 6(c) of the Act to the extent necessary to permit, under specified circumstances, the recapture of credits applied to premiums made under deferred variable annuity contracts that Jackson National NY will issue through Separate Account I-NY (the "Contracts"), as well as other contracts that Jackson National NY may issue in the future through any other separate account established by Jackson National NY in the future to support certain deferred variable annuity contracts issued by Jackson National NY ("Future Accounts") that are substantially similar in all material respects to the Contracts (the "Future Contracts"). Applicants also request that the order being sought extend to any other National Association of Securities Dealers, Inc. ("NASD") member broker-dealer controlling or controlled by, or under common control with, Jackson National NY, whether existing or created in the future, that serves as a distributor or principal underwriter for the Contracts or Future Contracts offered through Separate Account I-NY or any Future Account ("Jackson National NY Broker-Dealer(s)").

*Filing Date:* The application was filed on October 31, 2000, and amended and restated on March 21, 2001.

*Hearing or Notification of Hearing:* An order granting the application will be issued unless the SEC orders a hearing. Interested persons may request a hearing by writing to the SEC's Secretary and serving Applicants with a copy of the request, in person or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on April 27, 2001, and should be accompanied by proof of service on the Applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Secretary of the SEC.

**ADDRESSES:** Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549-0609. Applicants, c/o Patrick W. Garcy, Jackson National Life Insurance Company of New York, One Corporate Way, Lansing, Michigan 48951.

**FOR FURTHER INFORMATION CONTACT:** Zandra Y. Bailes, Senior Counsel or Lorna J. MacLeod, Branch Chief, Office of Insurance Products, Division of Investment Management, at (202) 942-0670.

**SUPPLEMENTARY INFORMATION:** The following is a summary of the application. The complete application is available for a fee from the SEC's Public Reference Branch, 450 Fifth Street, NW., Washington, DC 20549-0102 (tel. (202) 942-8090).

### Applicants' Representations

1. Jackson National NY is a stock life insurance company organized under the laws of the State of New York. Jackson National NY serves as depositor of Separate Account I-NY. Jackson National NY may in the future establish one or more Future Accounts for which it will serve as depositor.

2. Separate Account I-NY was established in 1997 as a segregated asset account of Jackson National NY. The Separate Account is registered with the Commission as a unit investment trust investment under the Act. The Separate Account will fund the variable benefits available under the Contracts. Units of interest in Separate Account I-NY under the Contracts they fund will be registered under the Securities Act of 1933 (the "1933 Act"). Jackson National NY may in the future issue Future Contracts through Separate Account I-NY or through Future Accounts. That portion of the assets of Separate Account I-NY that is equal to the reserves and other Contract liabilities with respect to Separate Account I-NY

is not chargeable with liabilities arising out of any other business of Jackson National NY. Any income, gains or losses, realized or unrealized, from assets allocated to Separate Account I-NY are, in accordance with Separate Account I-NY's Contracts, credited to or charged against Separate Account I-NY, without regard to other income, gains or losses of Jackson National NY.

3. JNLD is a wholly-owned subsidiary of Jackson National Life Insurance Company, an affiliate of Jackson National NY, and will be the principal underwriter of Separate Account I-NY and distributor of the Contracts. JNLD is registered with the Commission as a broker-dealer under the Securities Exchange Act of 1934 and is a member of the NASD. The Contracts will be offered through unaffiliated broker-dealers who have entered into agreements with JNLD. JNLD, or any successor entity, may act as principal underwriter for any Future Accounts and distributor for any Future Contracts issued by Jackson National NY in the future. A successor entity also may act as principal underwriter for Separate Account I-NY.

4. The Contract is an individual deferred variable and fixed annuity contract. The Contract may be issued under a qualified plan, specially sponsored program or an individual retirement annuity or as a non-qualified contract. The Contract is designed to provide for the accumulation of assets and for income through the investment,

during an accumulation phase.

Premium payments may be made any time during the accumulation phase. The minimum initial premium is \$5,000 under most circumstances and \$2,000 for a qualified plan contract. Additional premiums of at least \$500 can be made (\$50 under the automatic investment plan).

5. The Contracts permit premiums to be allocated to guaranteed accounts of Jackson National NY ("Guaranteed Accounts"). The Guaranteed Accounts are not registered with the Commission.

6. Separate Account I-NY currently is divided into 37 accounts ("Investment Divisions"), each of which will be available under the Separate Account I-NY Contracts. Each Investment Division will invest in a series of JNL Series Trust ("Trust") or JNLNY Variable Fund LLC ("Fund"). The Investment Divisions and the Guaranteed Accounts will comprise the initial "Investment Options" under the Contract. Not all Investment Divisions may be available. Jackson National NY, at a later date, may determine to create additional Investment Divisions of Separate Account I-NY to invest in any additional series, or other such underlying portfolios or other investments as may now or in the future be available. Similarly, Investment Division(s) of Separate Account I-NY may be combined or eliminated from time to time.

8. The Contract provides for transfer privileges among Investment Divisions

and the Guaranteed Accounts, dollar cost averaging, rebalancing, and other features. The following charges are assessed under the Contract: (i) annual asset-based charges (applied to the daily net asset value of the Investment Divisions) as follows: 1.25% for mortality and expense risks, plus 0.15% for administration expenses; (ii) a \$30 contract maintenance charge per year during the accumulation phase; (iii) a transfer fee of \$25 for each transfer in excess of 15 in a Contract year; (iv) a contract enhancement charge, during the first seven years, equal to 0.425%, on an annual basis, of amounts into the Investment Divisions (the charge assessed against the Guaranteed Accounts will result in a credited interest rate of .425% less than the annual credited interest rate that would apply if the Contract Enhancement had not been elected); and (v) under certain circumstances, a recapture charge applies if an owner makes a withdrawal, exercises the free look provision or receives income payments. The Trust and Fund also impose a management and administrative fee which varies depending upon which Series is selected.

9. The Contract also imposes a withdrawal charge, which starts at 7% in the first year, and declines 1% a year thereafter to 0% after 7 years with a 10% free withdrawal option. The Withdrawal Charge (as a percentage of premium payments equals:

Contribution Year of Premium .....	1	2	3	4	5	6	7	thereafter
Payment Charge (percent)	7	6	5	4	3	2	1	0

The withdrawal charge applies to each premium payment. During the accumulation phase, owners can make withdrawals without the imposition of a withdrawal charge of: (a) Premiums which are not subject to a withdrawal charge (premiums in Contract for seven years or longer and not previously withdrawn), (b) earnings, (c) for the first withdrawal of premium of the year, 10% of premium paid that is still subject to a withdrawal charge (not yet withdrawn) less earnings.

10. If the Contract Enhancement Option is elected, each time a Contract owner makes a premium payment during the first Contract year, Jackson National NY will add an additional amount to the Contract ("Contract Enhancement"). The Contract Enhancement will equal 3% of the premium payment. Jackson National NY will fund the Contract Enhancement

from its general account assets. Jackson National NY will allocate the Contract Enhancements to the Guaranteed Accounts and/or Investment Divisions in the same proportion as the premium payment allocation. Jackson National NY will recapture, in accordance with the recapture charge below, Contract Enhancement only under the following circumstances: (i) If the Contract owner exercises the right to return the Contract under the free-look provision of the Contract; (ii) if a Contract owner makes a withdrawal; or (iii) if a Contract owner receives payments under an income option.

#### RECAPTURE CHARGE

Contribution year of premium	Recapture charge percentage
1 and 2 .....	3

#### RECAPTURE CHARGE—Continued

Contribution year of premium	Recapture charge percentage
3, 4 and 5 .....	2
6 and 7 .....	1
after year 7 .....	0

The recapture charge percentage will be applied to the portion of the corresponding premium reflected in the amount withdrawn (except as provided in the free withdrawal provision). The amount recaptured will be taken from the Investment Divisions and the Guaranteed Accounts in the same proportion as the withdrawal charge.

11. Applicants seek exemption pursuant to section 6(c) from sections 2(a)(32) and 27(i)(2)(A) of the Act and Rule 22c-1 thereunder to the extent necessary to permit Jackson National



NY to recapture Contract Enhancements applied to the Contract and Future Contracts as described above.

#### Applicants' Legal Analysis

1. Section 6(c) of the Act authorizes the Commission to exempt any person, security or transaction, or any class or classes of persons, securities or transactions from the provisions of the Act and the rules promulgated thereunder if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act. Applicants request that the Commission, pursuant to section 6(c) of the Act, grant the exemptions summarized above with respect to the Contracts and any Future Contracts funded by separate Account I—NY or Future Accounts, that are issued by Jackson National NY and underwritten or distributed by JNLD or Jackson National NY Broker-Dealers. Applicants state that Future Contracts funded by Separate Account I—NY or any Future Accounts will be substantially similar in all material respect to the Contracts. Applicants assert that the requested exemptions are appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

2. Subsection (i) of section 27 provides that section 27 does not apply to any registered separate account funding variable insurance contracts, or to the sponsoring insurance company and principal underwriter of such account, except as provided in paragraph (2) of the subsection. Paragraph (2) provides that it shall be unlawful for any registered separate account funding variable insurance contracts or a sponsoring insurance company of such account to sell a contract funded by the registered separate account unless, among other things, such contract is a redeemable security. Section 2(a)(32) defines "redeemable security" as any security, other than short-term paper, under the terms of which the holder, upon presentation to the issuer, is entitled to receive approximately his proportionate share of the issuer's current net assets, or the cash equivalent thereof.

3. Applicants submit that the Contract Enhancement recapture provisions of the Contract would not deprive an owner of his or her proportionate share of the issuer's current net assets. Applicants state that an owner's interest in the amount of the Contract Enhancement allocated to his or her

Contract value upon receipt of first year premium payments is not vested until the applicable free-look period has expired without return of the Contract. Similarly, Applicants state that an owner's interest in the amount of any Contract Enhancement is not completely vested for seven years from the receipt of the premium, in accordance with the recapture charge percentage. Until or unless the amount of any Contract Enhancement is vested, Applicants submit that Jackson National NY retains the right and interest in the Contract Enhancement amount, although not in the earnings attributable to that amount. Thus, Applicants argue that when Jackson National NY recaptures any Contract Enhancement it is simply retrieving its own assets, and because an owner's interest in the Contract Enhancement is not vested, the owner has not been deprived of a proportionate share of the Separate Account's assets, *i.e.*, a share of the applicable Separate Account's assets proportionate to the owner's Contract value (including the Contract Enhancement).

4. In addition, with respect to Contract Enhancement recapture upon the exercise of the free-look privilege, Applicants state that it would be unfair to allow an owner exercising that privilege to retain a Contract Enhancement amount under a Contract that has been returned for a refund after a period of only a few days. Applicants state that if Jackson National NY could not recapture the Contract Enhancement, individuals could purchase a Contract with no intention of retaining it, and simply return it for a quick profit.

5. Furthermore, Applicants state that the recapture of Contract Enhancements relating to premiums made within seven years of a withdrawal of corresponding premium or the receipt of income payments is designed to provide Jackson National NY with a measure of protection. Applicants state that the risk is that an owner will make very large premiums shortly before making withdrawals or receiving income payments, thereby leaving Jackson National NY less time to recover the cost of the Contract Enhancements applied. Again, the amounts recaptured were provided by Jackson National NY from its own general account assets as a Contract Enhancement, and any gain would remain as part of the Contract's value.

6. Applicants represent that it is not administratively feasible to track the Contract Enhancement amount in the Separate Account after the Contract enhancement is applied. Accordingly, the asset based charges applicable to the

Separate Account will be assessed against the entire amounts held in the Separate Account, including the Contract Enhancement. As a result, the aggregate asset based charges assessed against an owner's Contract value will be higher than those that would be charged if the owner's Contract value did not include the Contract Enhancement.

7. Applicants represent that the Contract Enhancement will be attractive to and in the interest of investors because it will permit owners to put 103% of their first year premiums to work for them in the selected Investment Options and/or Guaranteed Accounts. Also, any earnings attributable to the Contract Enhancement will be retained by the owner, and the principal amount of the Contract Enhancement will be retained if the contingencies set forth in the application are satisfied.

8. Applicants submit that the provisions for recapture of any applicable Contract Enhancement under the Contracts do not, and any such Future Contract provisions will not, violate section 2(a)(32) and 27(i)(2)(A) of the Act. Nevertheless, to avoid any uncertainties, Applicants request an exemption from those Sections, to the extent deemed necessary, to permit the recapture of any Contract Enhancement under the circumstances described herein with respect to the Contracts and any Future Contracts, without the loss of the relief from Section 27 provided by Section 27(i).

9. Section 22(c) of the 1940 Act authorizes the Commission to make rules and regulations applicable to registered investment companies and to principal underwriters of, and dealers in, the redeemable securities of any registered investment company to accomplish the same purposes contemplated by section 22(a) of the Act. Rule 22c-1 thereunder prohibits a registered investment company issuing any redeemable security, a person designated in such issuer's prospectus as authorized to consummate transactions in any such security, and a principal underwriter of, or dealer in, such security, from selling, redeeming, or repurchasing any such security except at a price based on the current net asset value of such security which is next computed after receipt of a tender of such security for redemption or of an order to purchase or sell such security.

10. Arguably, Jackson National NY's recapture of the Contract Enhancement might be viewed as resulting in the redemption of redeemable securities for a price other than one based on the current net asset value of Separate



Account I-NY. Applicants contend, however, that recapture of the Contract Enhancement does not violate section 22(c) and Rule 22c-1. Applicants argue that the recapture does not involve either of the evils that Rule 22c-1 was intended to eliminate or reduce, namely: (i) the dilution of the value of outstanding redeemable securities of registered investment companies through their sale at a price below net asset value or their redemption or repurchase at a price above it, and (ii) other unfair results including speculative trading practices. See Adoption of Rule 22c-1 under the 1940 Act, Investment Company Release No. 5519 (Oct. 16, 1968). To effect a recapture of a Contract Enhancement, Jackson National NY will redeem interests in an owner's Contract value at a price determined on the basis of current net asset value of Separate Account I-NY. The amount recaptured will equal (or may be less, depending upon the year of the recapture) the amount of the Contract Enhancement that Jackson National NY paid out if its general account assets. Although Owners will be entitled to retain any investment gain attributable to the Contract Enhancement, the amount of such gain will be determined on the basis of the current net asset value of Separate Account I-NY. Thus, no dilution will occur upon the recapture of the Contract Enhancement. Applicants also submit that the second harm that Rule 22c-1 was designed to address, namely, speculative trading practices calculated to take advantage of backward pricing, will not occur as a result of the recapture of the Contract Enhancement. However, to avoid any uncertainty as to full compliance with the Act, Applicants request an exemption from the provisions of Rule 22c-1 to the extent deemed necessary to permit them to recapture the Contract Enhancement under the Contracts and Future Contracts.

11. Applicants submit that their request for an order is appropriate in the public interest. Applicants state that such an order would promote competitiveness in the variable annuity market by eliminating the need to file redundant exemptive applications, thereby reducing administrative expenses and maximizing the efficient use of Applicants' resources. Applicants argue that investors would not receive any benefit or additional protection by requiring Applicants to repeatedly seek exemptive relief that would present no issue under the Act that has not already been addressed in their application described herein. Applicants submit

that having them file additional applications would impair their ability effectively to take advantage of business opportunities as they arise. Further, Applicants state that if they were required repeatedly to seek exemptive relief with respect to the same issues addressed in the application, investors would not receive any benefit or additional protection thereby.

#### Conclusion

Applicants submit, based on the grounds summarized above, that their exemptive request meets the standards set out in section 6(c) of the Act, namely, that the exemptions requested are necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

**Jonathan G. Katz,**  
Secretary.

[FR Doc. 01-8903 Filed 4-10-01; 8:45 am]

**BILLING CODE 8010-01-M**

#### SECURITIES AND EXCHANGE COMMISSION

[Release No. IC-24925; File No. 812-12368]

#### New England Life Insurance Company, et al.

April 5, 2001.

**AGENCY:** The Securities and Exchange Commission ("SEC" or "Commission").

**SUMMARY OF THE APPLICATION:** The Section 26 Applicants request an order pursuant to section 26(b) of the 1940 Act to permit certain registered unit investment trusts to substitute Class A shares of the MetLife Stock Index Portfolio (the "Replacement Portfolio") of the Metropolitan Series for shares of the Westpeak Stock Index Series (the "Substituted Portfolio," and together with the Replacement Portfolio, the "Portfolios") of the Zenith Fund currently held by those unit investment trusts. The Section 17(b) Applicants request an order pursuant to section 17(b) of the 1940 Act to permit certain in-kind transactions in connection with the substitution.

**APPLICANTS:** New England Life Insurance Company ("NELICO"), New England Variable Life Separate Account ("Separate Account 1"), Metropolitan Life Insurance Company ("MetLife"), The New England Variable Account ("Separate Account 2") (together with Separate Account 1, the "Separate Accounts"), the Metropolitan Series

Fund, Inc. ("Metropolitan Series"), and the New England Zenith Fund (the "Zenith Fund"). NELICO, MetLife, and the Separate Accounts are collectively referred to herein as the "Section 26 Applicants." The Section 26 Applicants, the Metropolitan Series, and the Zenith Fund are collectively referred to herein as the "Section 17(b) Applicants" or "Applicants."

**FILING DATE:** The application ("Application") was filed on December 19, 2000 and amended and restated on April 5, 2001.

**HEARING OR NOTIFICATION OF HEARING:** An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Secretary of the Commission and serving Applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on April 26, 2001, and should be accompanied by proof of service on Applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the Secretary of the Commission.

**ADDRESSES:** Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549-0609. Applicants, c/o Thomas Lenz, Esq. and Marie C. Swift, Esq., New England Life Insurance Company, 501 Boylston Street, Massachusetts 02116. Copy to Stephen E. Roth, Esq. and Kimberly J. Smith, Esq., Sutherland Asbill & Brennan LLP, 1275 Pennsylvania Ave., NW., Washington, DC 20004-2415.

**FOR FURTHER INFORMATION CONTACT:** Harry Eisenstein, Senior Counsel, or Keith Carpenter, Branch Chief, Division of Investment Management, Office of Insurance Products, 202-942-0670.

**SUPPLEMENTARY INFORMATION:** The following is a summary of the application; the complete application may be obtained for a fee from the Public Reference Branch of the Commission, 450 Fifth Street, NW., Washington, DC 20549 (tel. (202) 942-8090).

#### Applicants' Representations

1. NELICO is a life insurance company that is domiciled in Massachusetts. Its operations include both life insurance and annuity products as well as financial and retirement services. As of September 30, 2000, NELICO had assets of approximately \$8.1 billion. NELICO is authorized to operate as a life insurance

company in all states, the District of Columbia and Puerto Rico. NELICO was originally organized as New England Variable Life Insurance Company, a stock life insurance company, in Delaware in 1980, and was a wholly owned subsidiary of New England Mutual Life Insurance Company. On August 30, 1996, New England Mutual Life Insurance Company merged with and into MetLife. MetLife became the parent of New England Variable Life Insurance Company, which changes its name to "New England Life Insurance Company," and changed its domicile from the State of Delaware to the Commonwealth of Massachusetts. NELICO is the depositor and sponsor of Separate Account 1.

2. Separate Account 1 is a separate investment account of NELICO and is registered under the 1940 Act as a unit investment trust. Separate Account 1 serves as a funding vehicle for certain variable life insurance contracts issued by NELICO (collectively, "NELICO Life Contracts"). Separate Account 1 is a "separate account" as defined in Section 2(a)(37) of the 1940 Act.

3. MetLife is a life insurance company that is domiciled in New York, and is a wholly owned subsidiary of MetLife, Inc., a publicly traded company that provides insurance and financial services to individual and group customers. With approximately \$301 billion of assets under management as of September 30, 2000, MetLife provides individual insurance and investment products to approximately nine million households in the United States. MetLife also provides group insurance and investment products to corporations and other institutions employing over thirty three million employees and members. MetLife operates as a life insurance company in all fifty states, the District of Columbia, Puerto Rico, and all provinces of Canada. MetLife is the

depositor and sponsor of Separate Account 2.

4. Separate Account 2 is a separate investment account MetLife and is registered under the 1940 Act as a unit investment trust. Separate Account 2 serves as a funding vehicle for certain variable annuity contracts originally issued by New England Mutual Life Insurance Company, and subsequent to its merger with and into MetLife, by MetLife ("MetLife Va Contracts") (together with the NELICO Life Contracts, the "Variable Contracts"). Separate Account 2 is a "separate account" as defined in Section 2(a)(37) of the 1940 Act.

5. New England Securities Corporation "NES", serves as principal underwriter and distributor for the Variable Contracts. NES is an indirect wholly owned subsidiary of NELICO. NES is registered as a broker-dealer under the Securities Exchange Act of 1934 and is a member of the National Association of Securities Dealers, Inc. NES may enter into selling agreements with other broker-dealers registered under the Securities Exchange Act of 1934 whose representatives are authorized by applicable law to sell the Variable Contracts.

6. The Zenith Fund is registered as an open-end management investment company under the 1940 Act (File No. 811-3728) and currently offers sixteen separate investment portfolios, one of which would be involved in the proposed substitution. The Zenith Fund issues a separate series of shares of beneficial interest in connection with each portfolio, and has registered such shares under the Securities Act of 1933 ("1933 Act") on form N-1A (File No. 2-83538). New England Investment Management, LLC ("NEIM") serves as the investment manager to each portfolio except the Capital Growth Series, which is managed by Capital

Growth Management Limited Partnership. NEIM (formerly named TNE Advisers, Inc.) is an indirect wholly owned subsidiary of NELICO. NEIM receives an investment advisory fee from each portfolio it manages. NEIM has contracted with subadvisers to make the day-to-day investment decision for all portfolios it manages. Subadvisers are compensated by NEIM, and not by the Zenith Fund. NEIM derives the amounts that it pays the subadvisers from its own investment advisory fees. Westpeak Investment Advisors, L.P. ("WIA") is the subadviser to the Substituted Portfolio.

7. The Metropolitan Series is registered as an open-end management investment company under the 1940 Act (File No. 811-3618) and currently offers twenty separate investment portfolios, one of which would be involved in the proposed substitution. The Metropolitan Series issues a separate series of shares of beneficial interest in connection with each portfolio, and has registered such shares under the 1933 Act on Form N-1A (File No. 2-80751). MetLife serves as the investment manager to each portfolio, for which it receives investment advisory fees. MetLife is also responsible for the day-to-day investment decisions for certain portfolios it manages, including the Replacement Portfolio. MetLife has contracted with subadvisers to make the day-to-day investment decisions for other portfolios it manages. Subadvisers are compensated by MetLife, and not by the Metropolitan Series. MetLife derives the amounts that it pays the subadvisers from its own investment advisory fees.<sup>1</sup>

8. The following chart sets out the investment objectives and certain policies of the Substituted Portfolio and the Replacement Portfolio, as stated in their respective prospectuses and statements of additional information.

Substituted portfolio	Replacement portfolio
<p>Investment Objective: Investment results that correspond to the composite price and yield performance of the Standard &amp; Poor's 500 Composite Stock Price Index ("S&amp;P 500 Index").</p> <p>Investment Policies: WIA attempts to replicate the composite price and yield performance, before expenses, of the S&amp;P 500 Index, which is dominated by large capitalization stocks. WIA will ordinarily invest the Portfolio's assets in all of the 500 stocks included in the S&amp;P 500 Index. WIA collects data each day on the proportions of the 500 stocks included in the S&amp;P 500 Index. Each month, WIA purchases and sells stocks as necessary to replicate the proportions of stocks included in the S&amp;P 500 Index.</p>	<p>To equal the performance of the S&amp;P 500 Index.</p> <p>The Portfolio will normally invest most of its assets in common stocks included in the S&amp;P 500 Index. The S&amp;P 500 Index consists of 500 common stocks, most of which are listed on the New York Stock Exchange. The Portfolio will be managed by purchasing the common stock of all the companies in the S&amp;P 500 Index. The stocks included in the S&amp;P 500 Index are issued by companies among those whose outstanding stock have the largest aggregate market value, although stocks that are not among the 500 largest are included in the S&amp;P 500 Index for diversification purposes.</p>

<sup>1</sup> Effective May 1, 2001 NEIM will become the investment adviser for the Replacement Portfolio

and MetLife will become the subadviser for the Replacement Portfolio. Applicants state that this

change will have no effect on the management fees imposed on the Replacement Portfolio.

Substituted portfolio	Replacement portfolio
	The Portfolio also expects to invest, as a principal investment strategy, in securities index futures contracts and/or related options to simulate full investments in the S&P 500 Index while retaining liquidity, to facilitate trading, to reduce transaction costs or to seek higher return when these derivatives are priced more attractively than the underlying security. Also, since the portfolio attempts to keep transaction costs low, the portfolio manager generally will rebalance the Portfolio only if it deviates from the S&P 500 Index by a certain percent. MetLife monitors the tracking performance of the Portfolio through examination of the "correlation coefficient". A perfect correlation would produce a coefficient of 1.00. The Portfolio will attempt to maintain a target correlation coefficient of at least .95.

9. The following chart compares the fees payable for advisory and subadvisory services for the year ending

December 31, 2000, expressed as an annual percentage of average daily net

assets, by the Substituted Portfolio and the Replacement Portfolio.

Substituted portfolio		Replacement portfolio (Class A) <sup>2</sup>	
Advisory fees	Subadvisory fees (paid by adviser)	Advisory fees	Subadvisory fees (paid by adviser)
0.25% .....	0.10%	0.25%	Prior to 5/1/01—none; after 5/1/01—at cost

<sup>2</sup>Beginning in January of 2001, Class B shares of the Replacement Portfolio, upon which fees are imposed under a plan adopted pursuant to Rule 12b-1 under the 1940 Act, became available for the allocation of purchase payments and contract value under certain MetLife VA Contracts.

10. The following chart compares the total operating expenses (before and after any waivers and reimbursements) for the year ended December 31, 2000,

expressed as an annual percentage of average daily net assets, of the Substituted Portfolio and the Replacement Portfolio. Neither the

Substituted Portfolio nor Class A shares of the Replacement Portfolio have adopted any plan pursuant to Rule 12b-1 under the 1940 Act.

	Substituted portfolio	Replacement portfolio (Class A)
Management fees .....	.25%	.25%
Other expenses .....	.08	.03
Total operating expenses .....	.33	.28
Less expense waivers and reimbursements .....	—	—
Net operating expenses .....	.33%	.28%

11. Pursuant to their authority under the respective Variable Contracts and the prospectuses describing the same, and subject to the approval of the Commission under section 26(b) of the 1940 Act, NELICO and MetLife propose to substitute Class A shares of the Replacement Portfolio for shares of the Substituted Portfolio in the Separate Accounts (the "Substitution"). Following this transaction, the Separate Accounts will each have two subaccounts holding shares of the Replacement Portfolio. The Separate Accounts will each combine the two subaccounts holding shares of the Replacement Portfolio by transferring shares on the same date from one of the subaccounts holding shares of the Replacement Portfolio to the other subaccount holding shares of the

Replacement Portfolio. The net effect will be to eliminate one of the subaccounts in each Separate Account. The Replacement Portfolio would receive monies or in-kind securities from the Substituted Portfolio as a result of the Substitution.

12. The Section 26 Applicants state that the investment objectives and policies of the Replacement Portfolio are substantially similar to those of the Substituted Portfolio so that Variable Contract owners will have reasonable continuity in investment and risk expectations. In addition, the Section 26 Applicants state that the types of investment advisory and administrative services provided to the Replacement Portfolio are comparable to the types of investment advisory and administrative

services provided to the Substituted Portfolio.

13. The Section 26 Applicants state that the Substitution is part of efforts by NELICO and MetLife to make their Variable Contracts more efficient to administer and oversee and, thus, more cost-efficient and attractive to customers. According to the Section 26 Applicants, the Substitution reflects a determination by NELICO and MetLife that Variable Contract owners should have available under their Variable Contracts a more cost efficient mutual fund with good prospects for growth to help Variable Contract owners meet their investment goals under the Variable Contracts. In particular, the Section 26 Applicants point out that replacing the Substituted Portfolio with the Replacement Portfolio is appropriate

and in the best interests of Variable Contract owners, who will benefit from an underlying fund with more than \$4 billion in assets, as compared to the less than \$300 million in assets of the Substituted Fund; with lower expenses; and with good prospects for growth.

14. NELICO and MetLife will effect the Substitution on or about April 27, 2001 following the issuance of the requested order as follows: As of the effective date of the Substitution ("Effective Date"), shares of the Substituted Portfolio will be redeemed in cash or in-kind by NELICO and MetLife. The proceeds of such redemptions will then be used to purchase shares of the Replacement Portfolio either by cash purchases or in-kind purchases, with each subaccount of the Separate Accounts investing the proceeds of its redemption from the Substituted Portfolio in the Replacement Portfolio.

15. All redemptions of shares of the Substituted Portfolio and purchases of shares of the Replacement Portfolio will be effected in accordance with Rule 22c-1 of the 1940 Act. The Substitution will take place at relative net asset value with no change in the amount of any Variable Contract owner's contract value or death benefit or in the dollar value of his or her investments in any of the subaccounts. Variable Contract owners will not incur any additional fees or charges as a result of the Substitution, nor will their rights or NELICO's and MetLife's obligations under the Variable Contracts be altered in any way. All expenses incurred in connection with the Substitution, including legal, accounting, transactional, and other fees and expenses, including brokerage commissions, will be paid by NELICO and MetLife. In addition, the Substitution will not impose any tax liability on Variable Contract owners. The Substitution will not cause the Variable Contract fees and charges currently paid by existing Variable Contract owners to be greater after the Substitution than before the Substitution. Neither NELICO nor MetLife will exercise any right it may have under the Variable Contracts to impose restrictions on transfers under the Variable Contracts for a period of at least thirty days following the Substitution.

16. For each period (not to exceed a fiscal quarter) during the 24 months following the date of the Substitution, NELICO and MetLife will reimburse (on the last business day of any such period) any subaccount available through a Variable Contract and investing in the Replacement Portfolio such that the sum of the Replacement Portfolio operating

expenses (taking into account expense waivers and reimbursements) together with subaccount expenses<sup>3</sup> for such period on an annualized basis will not exceed the following limits (which equal, for each Variable Contract, the Substituted Portfolio operating expenses, 0.33%, together with any subaccount expenses for the fiscal year prior to the Substitution) for those Variable Contract owners who were Variable Contract owners on the date of the Substitution:

Variable contract	Expense cap (in percent)
NELICO Zenith Life One .....	0.78
NELICO Zenith Flexible Life ...	0.93
NELICO Zenith Variable Whole Life .....	0.93
NELICO Zenith Survivorship Life .....	1.08
NELICO Zenith Survivorship Life Plus .....	0.33
NELICO American Gateway Series .....	0.33
NELICO Zenith Life .....	0.68
NELICO Zenith Life Plus .....	0.93
NELICO Zenith Life Executive 65 .....	0.93
NELICO Zenith Executive Ad- vantage Plus .....	0.33
NELICO Zenith Executive Ad- vantage 2000 .....	0.33
NELICO Zenith Life Plus II ....	0.93
MetLife Zenith Accumulator ....	1.68

In addition, for those Variable Contract owners who owned a Variable Contract for which mortality and expense risk charges are not subaccount expenses (*i.e.*, NELICO Zenith Survivorship Life Plus, NELICO American Gateway Series, NELICO Zenith Executive Advantage Plus, or NELICO Zenith Executive Advantage 2000) on the date of the Substitution, NELICO will not increase current mortality and expense risk charges for a period of 24 months following the date of the Substitution.

17. Each of NELICO and MetLife reserves the right to substitute shares of one portfolio for shares of another, under the NELICO Life Contracts and the MetLife VA Contracts, respectively, and this right has been disclosed in the prospectuses. Variable Contract owners were notified of the Application by means of a supplement to the

<sup>3</sup> Subaccount expenses refer to those asset-based expenses that are deducted on a daily basis from subaccount assets, and either reflected in the calculation of subaccount unit values (for "unitized" Variable Contracts) or deducted as a percentage of a Variable Contract's share of subaccount assets (for "non-unitized" Variable Contracts). Examples of subaccount expenses may include the mortality and expense risk charge or administrative charge.

prospectus for each of the Variable Contracts that disclose that the Section 26 Applicants intended to file the Application and seek approval for the Substitution.

18. Further, before the Effective Date, a notice ("Pre-Substitution Notice"), in the form of an additional supplement to the prospectuses for the Variable Contracts, will be mailed to Variable Contract owners setting forth the scheduled Effective Date and advising Variable Contract owners that contract values attributable to investments in the Substituted Portfolio will be transferred to the Replacement Portfolio, without charge and, when relevant, without counting toward the number of transfers permitted without charge, on the Effective Date. The Pre-Substitution Notice will state that, from the date the Application was filed with the Commission through the date 30 days after the substitution, Variable Contract owners may make a transfer of contract value from the subaccount corresponding to the Substituted Portfolio (before the Substitution) and make a transfer of contract value from the subaccount corresponding to the Replacement Portfolio (after the Substitution) to any other subaccount without charge and without those transfers counting toward the number permitted without charge under the Variable Contract (regardless of whether during the accumulation period or the annuity period). In addition, within five days after the Substitution, any Variable Contract owners who were affected by the Substitution will be sent a written notice informing them that the Substitution was carried out and advising them of their transfer rights ("Post-Substitution Notice").

#### Applicants' Legal Analysis

1. Section 26(b) of the 1940 Act prohibits any depositor or trustee of a unit investment trust that invests exclusively in the securities of a single issuer from substituting the securities of another issuer without the approval of the Commission. Section 26(b) provides that such approval shall be granted by order of the Commission, if the evidence establishes that the substitution is consistent with the protection of investors and the purposes of the 1940 Act.

2. Section 26(b) was intended to provide for Commission scrutiny of proposed substitutions which could, in effect, force shareholders dissatisfied with the substitute security to redeem their shares, thereby possibly incurring a loss of the sales load deducted from initial purchase payments, an additional sales load upon reinvestment of the

proceeds of redemption, or both. The section was designed to forestall the ability of a depositor to present holders of interest in a unit investment trust with situations in which a holder's only choice would be to continue an investment in an unsuitable underlying security, or to elect a costly and, in effect, forced redemption. The Section 26 Applicants submit that the Substitution meets the standards set forth in section 26(b) and that, if implemented, the Substitution would not raise any of the aforementioned concerns that Congress intended to address when the 1940 Act was amended to include this provision.

3. The Section 26 Applicants assert that the replacement of the Substituted Portfolio with the Replacement Portfolio is consistent with the protection of Variable Contract owners and the purposes fairly intended by the policy and provisions of the 1940 Act and, thus, meets the standards necessary to support an order pursuant to section 26(b) of the 1940 Act. The Section 26 Applicants contend that the investment objectives, policies, and strategies of the

Replacement Portfolio are substantially comparable to those of the Substituted Portfolio.

4. NEIM currently serves as investment adviser for the Substituted Portfolio. Investment management decisions for the Substituted Portfolio are made by WIA in its capacity as subadviser. Prior to August 1, 1993, Back Bay Advisors served as subadviser to the Substituted Portfolio. The investment adviser for the Replacement Portfolio is MetLife, who also oversees the daily investment management decisions. Effective May 1, 2000, NEIM, which will have been renamed MetLife Advisers, LLC, will become the investment adviser for the Replacement Portfolio, and MetLife will become the subadviser.

5. The Section 26 Applicants state that the Replacement Portfolio had significantly more assets as of December 31, 2000 as compared to the Substituted Portfolio, which has not gathered as many assets as expected by NELICO and MetLife. The Section 26 Applicants state that the Replacement Portfolio, accordingly, benefits from greater

economies of scale. Further, the expense ratio for the Replacement Portfolio as of December 31, 2000 was lower than the expense ratio for the Substituted Portfolio. The Section 26 Applicants state that, since both portfolios hold all 500 securities in the S&P Index in the same proportion as the index, the respective expense ratios of the portfolios are the primary cause of tracking error (*i.e.*, the difference between the performance of the Replacement Portfolio and the performance of the S&P 500 Index). The Section 26 Applicants anticipate, accordingly, that the Replacement Portfolio's tracking error will be lower, over time, than the Substituted Portfolio's tracking error.

6. The following table compares the respective asset levels and expense ratios of the two portfolios as of December 31, 2000. The table also compares performance data as of December 31, 2000 for the two portfolios as well as for the S&P 500 Index.

Portfolio	Fund adviser or subadviser	Asset levels (as of 12/31/00)	Expense ratios (for the year ended 12/31/00) (in percent)	Performance (as of December 31, 2000)	
					In percent
Substituted Portfolio .....	Westpeak Investment Advisors, L.P. (subadviser).	\$268,989,000	.33	1 year .....	9.0
				5 year .....	17.8
				10 year .....	17.0
				Since inception (May 1, 1987).	14.2
Replacement Portfolio .....	MedLife (adviser) .....	\$3,999,903,000	.28	1 year .....	9.3
				5 year .....	17.9
				10 year .....	17.0
				Since inception (May 1, 1987).	16.1
S&P 500 Stock Index .....				1 year .....	9.1
				5 year .....	18.3
				10 year .....	17.4
				Since inception May 1, 1987.	14.7
				Since inception May 1, 1990.	16.5

7. Apart from the replacement of the underlying investment vehicle, the rights of the Variable Contract owners and the obligations of NELICO and MetLife under the Variable Contracts would not be altered by the Substitution except, of course, that Variable Contract owners will not have the right to allocate contract value to subaccounts that invest in the Substituted Portfolio. Variable Contract owners will not incur any additional tax liability as a result of the Substitution. NELICO and MetLife will bear the costs of any legal or accounting fees of the Substitution and

transactional expenses, including brokerage commissions, in liquidating or transferring the assets of the Substituted Portfolio and purchasing shares of the Replacement Portfolios to be able to make payment to the Separate Accounts in connection with the Substitution.

8. From the date the Application is filed with the Commission to the date 30 days after the Effective Date, Variable Contract owners will have the right to make a transfer of contract value from the subaccounts invested in the Substituted Portfolio (before the

Substitution) and to make a transfer of contract value from the subaccount corresponding to the Replacement Portfolio (after the Substitution) to any other subaccount without charge and without those transfers counting toward the number permitted under the Variable Contracts (regardless of whether during the accumulation period or the annuity period). Each Variable Contract owner has received a prospectus supplement regarding the Substitution and will, prior to the Effective Date, receive a prospectus for the Replacement Portfolio. A Pre-

Substitution Notice (in the form of an additional prospectus supplement) regarding the Substitution will also be mailed to Variable Contract owners prior to the Effective Date. The Pre-Substitution Notice will set forth the scheduled Effective Date and advise Variable Contract owners of their transfer rights. The Effective Date will be no earlier than twenty days after the mailing of the Pre-Substitution Notice.

9. The Section 26 Applicants note that, in accordance with the terms of each of the Variable Contracts, no sales charges or surrender charges will apply to transfers in connection with the Substitution, and NELICO and MetLife represent that no such charge shall be imposed. In addition, within five days after the Substitution, any Variable Contract owners who were affected by the Substitution will be sent a Post-Substitution Notice informing them that the Substitution was carried out and advising them of their transfer rights. The Section 26 Applicants assert that the procedures to be implemented are sufficient to assure that each Variable Contract owner's cash values immediately after the Substitution shall be equal to the cash value immediately before the Substitution, and that the Substitution will not affect the value of the interests of those owners of other NELICO and MetLife variable contracts (other than the Variable Contracts) who currently have contract value allocated to any of the portfolios of the Zenith Fund or Metropolitan Series.

10. Any in-kind redemptions and purchases for purposes of the Substitution will be effected in a manner consistent with the investment objectives and policies of the Substituted Portfolio and the Replacement Portfolio. MetLife will review the securities holdings of the Substituted Portfolio and determine which portfolio holdings of the Substituted Portfolio would be suitable investments for the Replacement Portfolio in the overall context of such portfolio's investment objectives and policies and consistent with its management of the Replacement Portfolio. The Section 17(b) Applicants state that securities to be paid out as redemption proceeds and subsequently contributed to the Replacement Portfolio to effect the contemplated in-kind purchases of shares will be valued based on the normal valuation procedures of the redeeming and purchasing Portfolios. The redeeming and purchasing values will be the same. Consistent with Rule 17a-7(d) under the 1940 Act, no brokerage commissions, fees or other remuneration will be paid

in connection with the in-kind transactions.

11. Section 17(a)(1) and (a)(2) of the 1940 Act generally prohibit any affiliated person of a registered investment company, or any affiliated person of an affiliated person, from selling any security or other property to such registered investment company and from purchasing any security or other property from such registered investment company. NELICO and MetLife anticipate that the Substitution will be done by redeeming shares of the Substituted Portfolio in-kind rather than in cash and then using those assets to purchase shares of the Replacement Portfolio. Redemptions and purchases in-kind involve the purchase of property from a registered investment company and the sale of property to a registered investment company by NELICO and MetLife, each an affiliated person of those investment companies.

12. Pursuant to section 17(a)(1) of the 1940 Act, the section 17(b) Applicants may be considered affiliates of one another based upon the definition of "affected person" under section 2(a)(3) of the 1940 Act. Because the Substitution may be effected, in part, by means of in-kind redemptions and subsequent purchases of shares, and also by means of in-kind transactions, the Substitution may be deemed to involve one or more purchases or sales of securities or property between affiliates.

13. Section 17(b) of the 1940 Act provides that the Commission may, upon application, grant an order exempting any transaction from the prohibitions of Section 17(a) if the evidence establishes that: (i) The terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned; (ii) the proposed transaction is consistent with the policy of each registered investment company concerned, as recited in its registration statement and records filed under the 1940 Act; and (iii) the proposed transaction is consistent with the general purposes of the 1940 Act.

14. The Section 17(b) Applicants assert that the terms under which the in-kind redemptions and purchases will be effected are reasonable and fair and do not involve overreaching on the part of any person. According to the Section 17(b) Applicants, the use of in-kind redemptions of such subaccounts is intended to reduce costs and thereby benefit Variable Contract owners. The Section 17(b) Applicants further contend that the transactions will not cause Variable Contract owner interests

to be diluted, and represent that the proposed transactions will take place at relative net asset value in conformity with the requirements of section 22(c) of the 1940 Act and Rule 22c-1 thereunder with no change in the amount of any Variable Contract owner's contract value or death benefit or in the dollar value of his or her investment in any of the Separate Accounts. Variable Contract owners will not suffer any adverse tax consequences as a result of the Substitution. Fees and charges under the Variable Contracts will not increase because of the Substitution.

15. The Section 17(b) Applicants state that the in-kind redemptions and purchases will be transacted in a manner consistent with the policies of both the Substituted Portfolio and the Replacement Portfolio, as recited in their registration statements. According to the section 17(b) Applicants, MetLife will review the securities holdings of the Substituted Portfolio and determine which portfolio holdings of the Substituted Portfolio would be suitable investments for the Replacement Portfolio in the overall context of such Portfolio's investment objectives and policies and consistent with the management of the Replacement Portfolio.

16. The Section 17(b) Applicants assert that the Substitution, as described herein, is consistent with the general purposes of the 1940 Act as stated in the Findings and Declaration of Policy in Section 1 of the 1940 Act and that the proposed transactions do not present any of the conditions or abuses that the 1940 Act was designed to prevent. The Section 17(b) Applicants represent that the securities to be paid out as redemption proceeds and subsequently contributed to the Replacement Portfolio to effect the contemplated in-kind purchases of shares will be valued based on the normal valuation procedures of the redeeming Substituted Portfolio and purchasing Replacement Portfolio. The Section 17(b) Applicants state that there will accordingly be no change in value to any Variable Contract owner as a result of the Substitution.

17. The Section 17(b) Applicants request that the Commission issue an order pursuant to section 17(b) of the 1940 Act exempting the Substitution from the provisions of section 17(a) to the extent necessary to permit the Substitution effected, in part, by means of in-kind redemptions and purchases of shares, and also by means of in-kind transactions. The Section 17(b) Applicants submit that, for all of the reasons stated above, the terms of the proposed in-kind redemptions and purchases of shares described above,

including the consideration to be paid or received, are reasonable and fair to Variable Contract owners invested in each and do not involve overreaching on the part of any person; and furthermore, granting the relief requested herein for the Substitution that may be effected in part by means of in-kind redemptions and purchases of shares is appropriate, in the public interest, and consistent with the policies of each of the Portfolios and the general purposes of the 1940 Act.

#### Applicants' Conditions

For purposes of the approval sought pursuant to section 26(b) of the 1940 Act, the Substitution described in the Application will not be completed, unless all of the following conditions are met.

1. The Commission shall have issued an order (i) approving the Substitution under section 26(b) of the 1940 Act, and (ii) exempting any in-kind redemptions and purchases from the provisions of section 17(a) of the 1940 Act as necessary to carry out the transactions described in the Application.

2. Each Variable Contract owner will have been sent (i) copy of the effective prospectus relating to the Replacement Portfolio and any necessary amendments to the prospectuses relating to the Variable Contracts, (ii) prior to the Effective Date, a Pre-Substitution Notice describing the terms of the Substitution and the rights of the Variable Contract owners in connection with the Substitution, and (iii) if affected by the Substitution, a Post-Substitution Notice within five days after the Substitution informing them that the Substitution was carried out and advising them of their transfer rights.

3. NELICO and MetLife shall have satisfied themselves that (i) the Variable Contracts allow the substitution of portfolios in the manner contemplated by the Substitution and related transactions described herein, (ii) the transactions can be consummated as described in this Application under applicable insurance laws, and (iii) that any applicable regulatory requirements in each jurisdiction where the Variable Contracts are qualified for sale, have been complied with to the extent necessary to complete the transaction.

For the Commission, by the Division of Investment Management, under delegated authority.

**Jonathan G. Katz,**  
Secretary.

[FR Doc. 01-8902 Filed 4-10-01; 8:45 am]

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## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-44148; File No. SR-NASD-01-02]

### Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the National Association of Securities Dealers, Inc. Reflecting the Transfer of Responsibilities to the Nasdaq Office of Appeals and Review

April 4, 2001.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on March 22, 2001, the National Association of Securities Dealers, Inc. ("NASD" or "Association"), through its subsidiary, the Nasdaq Stock Market, Inc. ("Nasdaq"), filed with the Securities and Exchange Commission ("SEC" or "Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the NASD. The NASD has designated this proposal as one concerned solely with the administration of the self-regulatory organization under section 19(b)(3)(A)(iii) of the Act<sup>3</sup> and Rule 19b-4(f)(3),<sup>4</sup> which renders the rule effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Nasdaq is herewith filing with the Commission a proposed rule change amending the NASD Rules to reflect certain internal changes in the Nasdaq office that will receive, acknowledge, and maintain records regarding reviews by the Nasdaq Listing and Hearing Review Council and the NASD Board of Governors. Below is the text of the proposed rule change. New language is italicized, and deletions are bracketed.

\* \* \* \* \*

#### 4840. Review by the Nasdaq Listing and Hearing Review Council

(a) No change.

(b) The issuer may initiate the Listing Council's review of any Panel Decision by making a written request within 15 calendar days of the date of the

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> 15 U.S.C. 79s(b)(3)(A)(iii).

<sup>4</sup> 17 CFR 240.19b-4(f)(3).

decision. Requests for review should be addressed to the Listing Council in care of the Nasdaq Office of [General Counsel] *Appeals and Review*. The request will not operate as a stay of the Panel Decision. Also within 15 calendar days of the date of the Panel Decision, the issuer must submit a fee of \$1,400 to the The Nasdaq Stock Market, Inc. to cover the cost of the review. Upon receipt of the request for review and the applicable fee, the Nasdaq Office of [General Counsel] *Appeals and Review* will make an acknowledgement of the issuer's request stating the deadline for the issuer to provide any written submissions.

(c) No change.

(d) The Listing Council will consider the written record and, at its discretion, hold additional hearings. Any hearing will be scheduled, to the extent practicable, within 45 days of the date that a request for review initiated by either the issuer or one or more members of the Listing Council, is made. The Listing Council may also recommend that the NASD Board of Governors ("NASD Board") consider the matter. The record of proceedings before the Listing Council will be kept by the Nasdaq Office of [General Counsel] *Appeals and Review*.

(e) No change.

#### 4850. Discretionary Review by NASD Board

(a) No change.

(b) If the NASD Board conducts a discretionary review, the review generally will be based on the written record considered by the Listing Council. However, the NASD Board may, at its discretion, request and consider additional information from the issuer and/or from Nasdaq staff. Should the Board consider additional information, the record of proceedings before the NASD Board will be kept by the Nasdaq Office of [General Counsel] *Appeals and Review*.

(c) No change.

(d) No change.

\* \* \* \* \*

#### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the NASD included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The NASD has prepared summaries, set forth in

Sections A, B, and C below, of the most significant aspects of such statements.

*A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

1. Purpose

The NASD Rule 4800 Series provides procedures for the independent review of determinations that prohibit or limit the listing of an issuer's securities on the Nasdaq. Securities of issuers that do not meet the quantitative or qualitative listing standards set forth in the Rule 4000 Series are subject to delisting from, or denial of initial inclusion on, the Nasdaq. Currently, pursuant to Rule 4840, the Nasdaq Office of General Counsel receives and acknowledges requests for review of Listing Qualifications Panel Decisions. Additionally, pursuant to Rules 4840 and 4850, the Nasdaq Office of General Counsel maintains the record on review for the Nasdaq Listing and Hearing Review Council and the NASD Board. This proposed rule change gives effect to a decision by the NASD to transfer these responsibilities to a new unit with Nasdaq's Listing Qualifications Department, the Office of Appeals and Review. Accordingly, the proposed rule change modifies NASD Rules 4840(b), 4840(d), and 4850(b) to indicate that requests for review should be addressed to, and will be acknowledged by, the Nasdaq Office of Appeals and Review, and that the record on review will be maintained by the Nasdaq Office of Appeals and Review.

2. Statutory Basis

Nasdaq believes the proposed rule change is consistent with the provisions of section 15A(b)(6) of the Act,<sup>5</sup> which requires, among other things, that the Association's rules must be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest. This proposal enhances Nasdaq's ability to provide for an independent review of determinations of the Association that prohibit or limit the listing of an issuer's securities on the Nasdaq, thus protecting issuers, investors and the public interest.

*B. Self-Regulatory Organization's Statement on Burden on Competition*

The NASD does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

*C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

Written comments were neither solicited nor received.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The proposed rule change has become effective pursuant to section 19(b)(3)(A)(iii) of the Act<sup>6</sup> and subparagraph (f)(3) of Rule 19b-4 thereunder<sup>7</sup> because it is concerned solely with the administration of the self-regulatory organization. At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposal is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549-0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to file number SR-NASD-01-02 and should be submitted by May 2, 2001.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.<sup>8</sup>

**Jonathan G. Katz,**

*Secretary.*

[FR Doc. 01-8864 Filed 4-10-01; 8:45 am]

**BILLING CODE 8010-01-M**

<sup>6</sup> 15 U.S.C. 78s(b)(3)(A)(iii).

<sup>7</sup> 17 CFR 240.19b-4(f)(3).

<sup>8</sup> 17 CFR 200.30-3(a)(12).

**SECURITIES AND EXCHANGE COMMISSION**

[Release No. 34-44153; File No. SR-NASD-01-17]

**Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the National Association of Securities Dealers, Inc., To Revise the Fees Associated With Appeals of Nasdaq Listing Determinations**

April 5, 2001.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),<sup>1</sup> and rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on March 13, 2001, the National Association of Securities Dealers, Inc. ("NASD"), through its subsidiary, the Nasdaq Stock Market, Inc. ("Nasdaq") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by Nasdaq. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

**I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change**

Nasdaq filed a proposed rule change to revise the fees associated with appeals of Nasdaq listing determinations. Below is the text of the proposed rule change. Proposed new language is in *italics*; proposed deletions are in *brackets*.

\* \* \* \* \*

**Rule 4820. Request for Hearing**

(a) No change

(b) No change

(c) Within 15 calendar days of the date of the Staff Determination, but in no event after the time of the hearing, the issuer must submit a hearing fee to The Nasdaq Stock Market, Inc., to cover the cost of holding the hearing, as follows:

(1) where consideration is on the basis of an written submission from the issuer, \$[1,400] 4,000; or

(2) where consideration is on the basis of an oral hearing, whether in person or by telephone, \$[2,300] 5,000.

**Rule 4840. Review by the Nasdaq Listing and Hearing Review Council**

(a) No change

(b) The issuer may initiate the Listing Council's review of any Panel Decision by making a written request within 15 calendar days of the date of the decision. Requests for review should be addressed to the Listing Council in care of the Nasdaq Office of General Counsel. The request will not operate as a stay of the Panel Decision. Also

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>5</sup> 15 U.S.C. 78o-3(b)(6).



within 15 calendar days of the date of the Panel Decision, the issuer must submit a fee of \$[1,400]4,000 to The Nasdaq Stock Market, Inc., to cover the cost of the review. Upon receipt of the request for review and the applicable fee, the Nasdaq Office of General Counsel will make an acknowledgment of the issuer's request stating the deadline for the issuer to provide any written submissions.

(c)–(e) No change

\* \* \* \* \*

## II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In his filing with the Commission, Nasdaq included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. Nasdaq has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

### A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

#### I. Purpose

Determinations by the Listing Qualifications Department or the Listing Investigations Department to limit or prohibit the initial or continued listing of an issuer's securities may be appealed by the issuer to the Listing Qualification Panel (the "Panel") and thereafter to the Nasdaq Listing and Hearing Review Council (the "Listing Council"). The proposed rule change revises the current fee schedules for issuer requests for the review of listing determinations to both the Panel and the Listing Council to cover the costs associated with such review.

Currently, the fee for an appeal to the Panel based on a written submission from the issuer is \$1,400, and the fee for an oral hearing before the Panel is \$2,300. In addition, the fee for an appeal to the Listing Council is \$1,400.<sup>3</sup> Nasdaq proposes to change the fee for an appeal to the Panel based on a written submission from the issuer to \$4,000 and the fee for an oral hearing before the Panel to \$5,000. In addition, Nasdaq proposes to change the fee for an appeal to the Listing Council to \$4,000.

<sup>3</sup> Pursuant to Marketplace Rule 4840(d), appeals to the Listing Council are based only on the written record unless the Listing Council exercises its discretion to hold an oral hearing. There is no additional fee for an oral hearing before the Listing Council.

The fees associated with appeals to the Panel were last revised in 1996.<sup>4</sup> Since that time, there has been an increase in the various costs associated with the review process. In particular, in 1999, Nasdaq expanded the review process, in part in response to the Commission's findings, which required changes in the process of reviews and an increase in the amount of time spent by Nasdaq staff members dedicated to the review process.<sup>5</sup> Further, Nasdaq has identified other expenses related to the review process that are not covered by the current hearing fees.<sup>6</sup>

The proposed fee for an appeal to the Panel includes all costs of the Office of Listing Qualifications hearings attributable to the processing of hearing requests and the associated expenses of the Panel.<sup>7</sup> In addition, the proposed fee for an appeal to the Panel includes a large portion of the expenses associated with the Office of Appeals and Review,<sup>8</sup> and the Listing Council. The proposed fee for an appeal to the Listing Council under Marketplace Rule 4840(b) will cover the remainder of the expenses of the Office of Appeals and Review and the Listing Council, as well as the Office of General Counsel's time directly related to the appeals process.<sup>9</sup>

<sup>4</sup> See Securities Exchange Act Release No. 37088 (April 9, 1996), 61 FR 16662 (April 16, 1996). In 1999, a \$1,400 fee for appeals to the Listing Council was established, which matched the fee for appeals to the Panel based only on the written record. See Securities Exchange Act Release No. 41367 (May 4, 1999), 64 FR 25942 (May 13, 1999).

<sup>5</sup> See Securities Exchange Act Release No. 41367 (May 4, 1999), 64 FR 25942 (May 13, 1999).

<sup>6</sup> Nasdaq represents that the other expenses relating to the review process that are not covered by the current hearing fees include: overhead, including telephones, supplies, depreciation and occupancy, computer system support, listing qualifications retention analyst and manager review, and a stipend for Panel and Listing Council members. Telephone conversation between John D. Nachmann, Senior Attorney, Office of General Counsel, Nasdaq, and Lisa Jones, Attorney, Division of Market Regulation, Commission (March 30, 2001).

<sup>7</sup> The additional variable fee allocated to issuers who request oral hearings before the Panel is designed to recover the additional costs associated with such hearings; specifically, travel expenses for members of the Panel and court reporter time to maintain a transcript of these hearings.

<sup>8</sup> Nasdaq has filed a proposed rule change, SR-NASD-01-02, with the Commission pursuant to Section 19(b)(3), subparagraph (f) of the Act, and Rule 19b-4 thereunder that transfers certain responsibilities of the Nasdaq Office of General Counsel regarding the review process to the Office of Appeals and Review, a new unit in the Nasdaq's Listing Qualifications Department. The Office of Appeals and Review will receive requests for review from issuers and will keep records of proceedings.

<sup>9</sup> The fees proposed in this proposed rule change are designed to recover only the direct costs associated with the review process and do not include various indirect overhead costs that have been identified by Nasdaq as Senior Management, Finance, Human Resources, Administrative

Nasdaq believes that the allocation of a large portion of the proposed fees associated with the Office of Appeals and Review and the Listing Council is appropriate because all decisions of the Panel are subject to call for review, and the Office of Appeals and Review supports the Listing Council in connection with its call for review function. Furthermore, the Listing Council sets policy applicable to all Panel decisions. For these reasons and in order to ensure that the cost for review by the Listing Council will not be so high as to effectively foreclose the opportunity for review by the Listing Council, Nasdaq believes it is appropriate to allocate a large portion of the expenses associated with the Office of Appeals and Review and the Listing Council to all issuers who request an appeal to the Panel.

#### 2. Statutory Basis

Nasdaq believes that the proposed rule change is consistent with the provisions of section 15A(b)(5)<sup>10</sup> and section 15A(b)(6)<sup>11</sup> of the Act. The proposed rule change is consistent with section 15A(b)(5) in that it provides for the equitable allocation of reasonable dues, fees, and other charges among issuers using the Nasdaq system. Furthermore, the proposed fees are designed to ensure that the review process is revenue neutral and reflects the costs incurred by Nasdaq to process issuer requests for review. The proposed rule change is consistent with section 15A(b)(6) in that it is designed to prevent fraudulent and manipulative acts and practices as well as to protect investors and the public interest by covering the costs associated with ensuring that only qualified issuers are allowed to list or remain listed on Nasdaq.

### B. Self-Regulatory Organization's Statement on Burden on Competition

Nasdaq does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

### C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

Nasdaq has neither solicited nor received written comments on the proposed rule change.

Services, Legal (excluding unrelated litigation and international expenses), Economic Research, NasTech and Strategic Development.

<sup>10</sup> 15 U.S.C. 78o-3(b)(5).

<sup>11</sup> 15 U.S.C. 78o-3(b)(6).

### III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

A. By order approve such proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

### IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to the File No. SR-NASD-01-17 and should be submitted by May 2, 2001.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.<sup>12</sup>

**Jonathan G. Katz,**  
*Secretary.*

[FR Doc. 01-8905 Filed 4-10-01; 8:45 am]

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## SOCIAL SECURITY ADMINISTRATION

### Statement of Organization, Functions and Delegations of Authority

This statement amends Part S of the Statement of the Organization, Functions and Delegations of Authority

that covers the Social Security Administration (SSA). Chapter S4 covers the Deputy Commissioner for Systems. Notice is given that Chapter S4 is being amended to reflect the establishment of a new subchapter S4N, the Office of Information Technology Architecture with four subordinate staff offices. The new material and changes are as follows:

**Section S4.10** The Office of the Deputy Commissioner, Systems—(Organization)

*Establish:* J. The Office of Information Technology Architecture (S4N).

**Section S4.20** The Office of the Deputy Commissioner, Systems—(Functions)

*Establish:* J. The Office of Information Technology Architecture (OITA) (S4N) directs the design, development and maintenance of SSA's information technology architecture program and directs SSA's data base integration activities to improve the administration of SSA's Programmatic and MI/Administrative data bases and to implement modern data base management systems (DBMS) technology. The Office provides design and development support for all data base management systems used in Programmatic and MI/Administrative systems. OITA directs an on-going, comprehensive information technology architecture program to modernize the Agency's infrastructure by proposing, establishing, and implementing standards for common hardware, software and processes to ensure interoperability, minimize cost, and comply with government regulations such as the GPRA. The OITA establishes enterprise policies for the management of all hardware and software. It develops and oversees the implementation of standards, methods and procedures for software design and development. It integrates the business process and goals of the agency with information technology acquisitions as part of the overall budget planning process.

**Section S4G.00** The Office of Systems Design and Development—(Mission)

*Replace as follows:* OSDD directs the design, development and maintenance of all programmatic software to support SSA's social insurance and income maintenance programs. It is responsible for a comprehensive software-engineering program and oversees the implementation of standards, methods and procedures in connection with this program. OSDD directs and coordinates a comprehensive software-configuration management program and manages a detailed project control system for

OSDD software development projects. It develops policies and procedures, prepares procurement documents for and oversees acquisition of software packages and tools and software support services. OSDD plans and directs a software development facility to support applications development personnel. It services as liaison with other SSA components and external monitoring authorities including the Deputy Commissioner for Human Resources, General Services Administration, General Accounting Office and Congress on SSA applications systems planning and software and data base development.

**Section S4G.10** The Office of Systems Design and Development—(Organization)

*Delete:* L. The Division of Data base Systems (S4GP).

**Section S4G.20** The Office of Systems Design and Development—(Functions)

*Delete in its entirety:* L. The Division of Data base Systems (S4GP).

*Establish Subchapter:*

### Subchapter S4N

#### Office of Information Technology Architecture

S4N.00 Mission

S4N.10 Organization

S4N.20 Functions

**Section S4N.00** The Office of Information Technology Architecture—(Mission)

The Office of Information Technology Architecture (OITA) directs the design, development and maintenance of SSA's information technology architecture program and directs SSA's data base integration activities to improve the administration of SSA's Programmatic and MI/Administrative data bases and to implement modern data base management systems (DBMS) technology. The Office provides design and development support for all data base management systems used in Programmatic and MI/Administrative systems. OITA directs an on-going, comprehensive information technology architecture program to modernize the Agency's infrastructure by proposing, establishing, and implementing standards for common hardware, software and processes to ensure interoperability, minimize cost, and comply with government regulations such as the GPRA. The OITA establishes enterprise policies for the management of all hardware and software. It develops and oversees the implementation of standards, methods

<sup>12</sup> 17 CFR 200.30-2(a)(12).

and procedures for software design and development. It integrates the business process and goals of the agency with information technology acquisitions as part of the overall budget planning process.

*Establish:*

Section S4N.10 Office of Information Technology Architecture—(Organization)

The Office of Information Technology Architecture, under the leadership of the Director for Information Technology Architecture, includes:

- A. The Director for Information Technology Architecture (S4N).
- B. The Deputy Director for Information Technology Architecture (S4N).
- C. The Immediate Office of the Office Director for Information Technology Architecture (S4N).
- D. The Data Base Administration Staff (S4NA).
- E. The Data Base Management Staff (S4NB).
- F. The Data Recourse Management Staff (S4NC).
- G. The Electronic Processing Staff (S4NE).

Section S4N.20 Office of Information Technology Architecture—Functions)

A. The Director for Information Technology Architecture (S4N) is directly responsible to the Deputy Commissioner, Systems for carrying out the Office of Information Technology Architecture's mission and managing its respective components.

B. The Deputy Director for Information Technology Architecture (S4N) assists the Office Director in carrying out responsibilities and performs other duties as the Office Director may prescribe.

C. The Immediate Office of the Office Director for Information Technology Architecture (S4N) provides internal operations and management analysis staff support and assistance to the Director and all of the Office of Information Technology Architecture components.

D. The Data Base Administration Staff (S4NA).

- 1. Responsible for data base administration and base related design and development activities for all of SSA's systems.
- 2. Responsible for SSA's major programmatic and administrative master files.
- 3. Develops data base architecture to modernize the way SSA performs its data processing functions for SSA's major programmatic and administrative master files.

4. Provides overall management and development of access to SSA's major master files.

5. Performs design, data base administration, and technical support of the major master files, and auxiliary programmatic applications files and data bases using IDMS, DB2, ORACLE and SQL/Server.

6. Directs the analyses of SSA processes and software related to data usage and administration. For example, SSA files records, data elements, etc.

7. Directs the development of project plans reflecting the tasks and schedules required to implement data base management and data administration projects as designated by SSA's Software Modernization Plan.

8. Directs the analysis and preparation of requirement statements for software and statements of work for software services in support of the SSA data base management and data administration functions.

9. Directs the evaluation of data base management packages and new technologies, for suitability, in addressing SSA's data management problems.

10. Directs the development of data storage strategies to address SSA's data usage requirements.

11. Provides the techniques to evaluate and measure the appropriate mix of hardware architectures suitable for SSA data bases (i.e., magnetic and optical direct access storage devices, mass storage, magnetic tape, etc.).

12. Plans, organizes and directs post-implementation reviews of data base integration projects to evaluate their effectiveness.

13. Serves as liaison with other SSA components and external authorities in matters pertaining to data base management and data base integration.

14. Directs the preparation of budget items describing the resource projections required to support future activities within the Staff's scope of responsibility.

15. Directs the definition of level of security and control required for protecting and monitoring access to data.

E. The Data Base Management Staff (S4NB).

1. Directs the definition of data storage architectures to support data management based upon performance characteristics and capabilities required in the SSA environment.

2. Directs the development and evaluation of implementation alternatives for each data base integration project.

3. Provides guidance and direction in the selection of the appropriate mix of

commercial software packages and developmental software to satisfy data base requirements.

4. Directs the design, development (or acquisition), validation, and implementation of data base management systems and data support software.

5. Directs in the design and development of new or modified software for accessing SSA data bases and files used in ADP processes; and directs the selection and implementation of commercial packages for this purpose.

6. Directs the establishment of systems and procedures for protecting and monitoring data integrity including the establishment of data base backup and recovery methods, data access controls and audit trails.

7. Provides direction in the design, development and implementation of applications support software to facilitate interaction between data bases and applications software.

8. Directs the establishment and maintenance of support software providing data independence so that the evolution of data storage to new architectures is not disruptive to SSA's applications software.

9. Directs the design and development of data compression and data migration techniques that are consistent with the changing constraints of the SSA environment.

10. Responsible for devising, promoting, ensuring and enforcing appropriate security measures for the facility, operational activity, or both, for the defined areas of management and/or supervisory responsibility.

F. The Data Resource Management Staff (S4NC).

1. Develops and maintains the Data Resource Management System which is the official repository of data and metadata for the SSA programmatic systems.

2. Develops and maintains the Master Data Access Method (MADAM) software which manages the major programmatic master files.

3. Directs the development, implementation and maintenance of a comprehensive inventory of information (data dictionary) on SSA's systems, programs, modules, data bases, files, data groups and data elements. The information will be arranged to provide access and update capabilities.

4. Directs the development and enforcement of technical standards and data resource policies as they relate to the DRMS.

5. Directs the definition of data base access controls as well as access to data resource information by supporting

specific requests, non-specific hierarchical requests, report generation and customized production of machine-readable products.

6. Provides guidance and direction in developing copy statements, subschema definitions, and reports describing the characteristics of the software and data that support SSA's mission.

7. Directs the establishment of automated documentation products and analytical products to support software engineering and data base integration.

8. Provides support and direction for the automated interface between the DRMS and other system management systems such as EDPOCS, VALUE, ASM-2, etc.

9. Provides direction in identifying techniques and tools that support data resource management as well as evaluating new data resource technology to the SSA environment.

10. Responsible for devising, promoting, ensuring and enforcing appropriate security measures for the facility, operational activity, or both, for the defined areas of management and/or supervisory responsibility.

G. The Electronic Processing Staff (S4NE).

1. Serves as the agency focal point for technologies related to document imaging, electronic document management and electronic workflow processes.

2. Directs the definition of data and image management to facilitate workflow processing and re-engineering of processes to support data management based upon performance characteristics and capabilities required in the SSA environment.

3. Directs the development and evaluation of implementation alternatives for each data base, data image and workflow process and its integration with other projects.

4. Provides guidance and direction in the selection of the appropriate commercial software packages and developmental software to satisfy data base, data image and workflow requirements.

5. Directs the design, development, acquisition, validation, and implementation of data image and workflow management systems and data support software.

6. Directs the design and development of new or modified software for document imaging and workflow processing and directs the selection and implementation of commercial packages for this purpose.

7. Directs the establishment of systems and procedures for protecting and monitoring data integrity including the establishment of data backup and

recovery methods, data access controls and audit trails.

8. Provides direction in the design, development and implementation of applications support software to facilitate interaction between document imaging and workflow processing and applications software.

9. Directs the establishment and maintenance of support software providing document imaging and workflow processing so that the evolution to new architectures is not disruptive to SSA's applications software.

10. Directs the design and development of software and/or identifies commercial software that handles computer output to laser disc (COLD) applications.

11. Devises, promotes, ensures and enforces appropriate security measures for the facility, operational activity, or both, for the defined areas of management and/or supervisory responsibility.

Dated: March 30, 2001.

**Larry G. Massanari,**

*Acting Commissioner of Social Security.*

[FR Doc. 01-8838 Filed 4-10-01; 8:45 am]

**BILLING CODE 4191-02-U**

## DEPARTMENT OF STATE

### [Public Notice 3638]

#### **Culturally Significant Objects Imported for Exhibition Determinations: "Empire of the Sultans: Ottoman Art from the Khalili Collection"**

**DEPARTMENT:** Department of State.

**ACTION:** Notice; change.

**SUMMARY:** On December 6, 1999, Notice was published on page 68190 of the **Federal Register** (Volume 64, Number 233) by the Department of State pursuant to Pub. L. 89-259 relating to the exhibit "Empire of the Sultans: Ottoman Art from the Khalili Collection." The referenced Notice is changed as follows. After "July 20, 2003," insert the following additional venues: "and at the North Carolina Museum of Art, Raleigh, North Carolina from on or about May 18, 2002, to on or about July 28, 2002; the Museum of Art, Brigham Young University, Provo, Utah from on or about August 17, 2002, to on or about January 26, 2003; the Oklahoma City Art Museum, Oklahoma City, Oklahoma from on or about February 15, 2003 to on or about April 27, 2003; the Museum of Arts and Sciences, Macon, Georgia from on or about August 30, 2003 to on or about November 9, 2003; the Frick Art and

Historical Center, Pittsburgh, Pennsylvania from on or about November 29, 2003 to on or about February 8, 2004 is in the national interest."

**FOR FURTHER INFORMATION CONTACT:** For further information, including a list of exhibit objects, contact Carol Epstein, Attorney-Adviser, Office of the Legal Adviser, U.S. Department of State (telephone: 202/619-6981. The address is U.S. Department of State, SA-44; 301 4th Street, SW., Room 700, Washington, DC 20547-0001.

Dated: April 4, 2001.

**Helena Kane Finn,**

*Acting Assistant Secretary for Educational and Cultural Affairs, United States Department of State.*

[FR Doc. 01-8938 Filed 4-10-01; 8:45 am]

**BILLING CODE 4710-08-P**

## TENNESSEE VALLEY AUTHORITY

### **Supplemental Environmental Impact Statement: Bellefonte Conversion Project**

**AGENCY:** Tennessee Valley Authority.

**ACTION:** Notice of intent.

**SUMMARY:** The Tennessee Valley Authority (TVA) will prepare a supplemental environmental impact statement (SEIS) for the construction and operation of an integrated gasification combined cycle (IGCC) power plant by partially converting the Bellefonte Nuclear Plant (BLN) site in Jackson County, Alabama. The primary fuels for the proposed IGCC plant would be coal and petroleum coke. The plant would supply baseload capacity to the TVA electrical generation system to meet growing power demands. The SEIS will supplement the final environmental impact statement (FEIS) that TVA completed in 1997 on options for converting the Bellefonte facility to a fossil-fueled power plant. One of the options considered in the 1997 FEIS was an IGCC plant. The current proposed action differs from the 1997 proposed action in the extent to which the unfinished BLN would be converted to a fossil-based facility. The 1997 proposed action was for the full conversion of BLN, while the current proposed action would result in the partial conversion of BLN. Public comment is invited concerning both the scope of the SEIS and environmental issues that should be addressed in the SEIS.

**DATES:** Comments on the scope of the SEIS must be postmarked or e-mailed no

later than May 7, 2001, to ensure consideration.

**ADDRESSES:** Written comments or e-mails on the scope of issues to be addressed in the SEIS should be sent to Charles P. Nicholson, Senior Specialist, National Environmental Policy Act, Environmental Policy and Planning, Tennessee Valley Authority, 400 West Summit Hill Drive WT 8C, Knoxville, Tennessee 37902-1499 (e-mail: cpnicholson@tva.gov).

**FOR FURTHER INFORMATION CONTACT:** Charles P. Nicholson, Tennessee Valley Authority, 400 West Summit Hill Drive WT 8C, Knoxville, Tennessee 37902-1499 (email: cpnicholson@tva.gov).

**SUPPLEMENTARY INFORMATION:**

**Background**

In 1988, TVA halted and deferred completion of BLN because TVA power system requirements grew more slowly than projected. In December 1994, the TVA Board announced that Bellefonte would not be completed as a nuclear plant without a partner to share investment and operating risk, and put further construction activities on hold until a comprehensive review of TVA's power needs was completed. This comprehensive review, known as Energy Vision 2020—Integrated Resource Plan and Environmental Impact Statement, was completed in December 1995. One of the recommendations in Energy Vision 2020 was a reiteration of the decision to not complete Bellefonte as a nuclear plant without a partner.

The short-term action plan in Energy Vision 2020 included the recommendation to convert the unfinished BLN to a fossil-fueled power plant. The analysis of this conversion is contained in TVA's 1997 Final Environmental Impact Statement for the Bellefonte Conversion Project. The conversion options analyzed were a pulverized coal plant, a natural gas combined cycle plant, an IGCC plant, an IGCC plant with chemical coproduction, and a combination natural gas/IGCC plant with chemical coproduction. TVA's preferred conversion option was a natural gas combined cycle plant producing about 2,400 megawatts of electricity. TVA has not yet made a decision on the Bellefonte conversion project.

The completion of Bellefonte Units 1 and 2 in partnership with the Department of Energy (DOE) was subsequently considered in DOE's 1999 Final Environmental Impact Statement for the Production of Tritium in a Commercial Light Water Reactor. TVA formally adopted DOE's EIS in

accordance with Council of Environmental Quality and TVA National Environmental Policy Act procedures. DOE subsequently chose to use TVA's completed light water reactors for tritium production and not partner with TVA to complete BLN.

Under the medium electrical load growth forecast in Energy Vision 2020, TVA expected that an additional 6,250 megawatts of energy resources would be needed by 2005. TVA has completed several projects to meet this demand and has others underway. The proposed IGCC plant would further help TVA meet this demand.

**Proposed Action**

TVA proposes to enter into agreements under which an IGCC plant would be built and operated at TVA's BLN site. The plant would generate about 1500 megawatts of baseload electricity and begin commercial operation in four to six years. The plant would utilize portions of the existing raw water intake, plant cooling facilities, and electrical switchyard on the Bellefonte site.

The primary fuel would be Illinois Basin coal delivered by barge. The use of petroleum coke as a fuel will also be considered. TVA would construct and operate a barge unloading facility on the adjacent Tennessee River. Two options for the startup fuel will be considered, natural gas and fuel oil. Fuel oil would be delivered to the site by barge and stored in an onsite facility. Natural gas service to the site does not presently exist, and its selection as the backup fuel would require the construction of a pipeline to connect the site with a gas supply.

**Proposed Issues To Be Addressed**

The environmental and socioeconomic resources at and in the vicinity of the Bellefonte site were described in the 1997 FEIS. The description of these resources was updated in DOE's 1999 FEIS for tritium production that TVA subsequently adopted. These descriptions will be further updated in the SEIS. The SEIS will evaluate the potential impacts of constructing and operating the proposed IGCC plant on air quality, water quality, aquatic and terrestrial ecology, endangered and threatened species, wetlands, aesthetics and visual resources, noise, land use, historic and archaeological resources, and socioeconomic resources. Other issues raised during scoping will also be considered.

**Alternatives**

The 1997 FEIS evaluated two alternatives. The no action alternative was the continued deferral of BLN for its potential completion with a partner. The action alternative was the conversion of Bellefonte to one of the five types of fossil-fueled plants listed above. The current IGCC proposal will be presented as an action alternative, and the SEIS will compare its potential impacts with those of the alternatives evaluated in the 1997 FEIS.

**Scoping Process**

Scoping, which is integral to the NEPA process, is a procedure that solicits public input to the EIS process to ensure that: (1) Issues are identified early and properly studied; (2) issues of little significance do not consume substantial time and effort; (3) the draft EIS is thorough and balanced; and (4) delays caused by an inadequate EIS are avoided. TVA's NEPA procedures require that the scoping process commence soon after a decision has been reached to prepare an EIS in order to provide an early and open process for determining the scope and for identifying the significant issues related to a proposed action. The scope of alternatives and issues to be addressed in the draft SEIS will be determined from written comments received from the public by mail or e-mail, internal agency scoping, and comments received from other agencies.

Agencies expected to participate in the discussions on the SEIS include the U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, various state of Alabama agencies including the Department of Environmental Management, and other federal, state, and local agencies as appropriate. The identification in this notice of reasonable alternatives and environmental issues is not meant to be exhaustive or final.

The public is invited to submit written comments or e-mail comments on the scope of this SEIS no later than the date given under the **DATES** section of this notice.

Upon consideration of the scoping comments, TVA will develop alternatives and identify important environmental issues to be addressed in the SEIS. Following analysis of the environmental consequences of the alternatives, TVA will prepare a draft SEIS for public review and comment. Notice of availability of the draft SEIS will be published in the **Federal Register**. The notice will solicit written comments on the draft SEIS, and information about a public meeting to

comment on the draft SEIS will be announced by TVA. TVA expects to release a final SEIS by December 2001.

Dated: April 3, 2001.

**Kathryn J. Jackson,**

*Executive Vice President, River System Operations & Environment.*

[FR Doc. 01-8851 Filed 4-10-01; 8:45 am]

BILLING CODE 8120-08-U

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

[Docket No. FAA-2001-9119]

#### Notice of Public Meeting

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice of public meeting.

**SUMMARY:** The FAA plans to convene a public meeting to solicit public views and information regarding liability and risk-sharing for commercial space launch and reentry activities. In addition to the public meeting, the FAA announces an on-line public forum on the Internet to solicit comments and information from the public. Public views obtained at the meeting and from the on-line forum will be included in a report to Congress on the appropriateness and effectiveness of current risk-sharing arrangements under law, and the need to continue or modify laws governing liability risk-sharing for commercial launches and reentries beyond December 31, 2004.

**DATES:** The public meeting will begin on April 25, 2001, at 9 a.m. and conclude for the day at 4:30 p.m. If necessary, the meeting will resume on April 26, 2001, at 9 a.m. and may continue through 4:30 p.m. A two-week on-line public forum will begin on April 27, 2001, at 9 a.m. EST and end on May 11, 2001, at 4:30 p.m. EST. Written comments may also be submitted to the docket through May 11, 2001. Comments submitted to the docket after May 11 will be considered and included in the report to the extent practicable; however, the FAA encourages timely submission of comments to facilitate preparation of the report.

**ADDRESSES:** The meeting will take place in the FAA Auditorium, located at 800 Independence Avenue, SW., 3rd floor, Washington, DC 20591. The on-line public forum can be reached by clicking the "On-Line Public Forum" hyperlink on the Associate Administrator for Commercial Space Transportation's (AST) Internet home page, <http://ast.faa.gov>. Persons unable to participate in either the public meeting

or the on-line public forum may mail or deliver views to the U.S. Department of Transportation Dockets, Docket No. FAA-2001-9119, 400 Seventh Street, SW., Washington, DC, 20590. The FAA requests two copies of any written comments. Comments may also be submitted to the docket electronically by sending them to the Documents Management Systems (DMS) at the following Internet address: <http://dms.dot.gov/>. Proprietary data should be marked as such and should not be submitted electronically. Comments to the docket should be submitted by May 11, 2001. Written views, as well as a transcript of the public meeting, may be examined in Room PL 401 at the U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC, 20590, between 10 a.m. and 5 p.m. weekdays except Federal holidays.

**FOR FURTHER INFORMATION CONTACT:** Ms Esta M. Rosenberg, Senior Attorney-Advisory, Regulations Division, Office of the Chief Counsel, Federal Aviation Administration, U.S. Department of Transportation (202) 366-9320, or Mr. Ronald K. Gress, Manager, Licensing and Safety Division, Associate Administrator for Commercial Space Transportation, Federal Aviation Administration, U.S. Department of Transportation (202) 267-7985.

#### SUPPLEMENTARY INFORMATION:

##### Background

Congress has directed the Secretary of Transportation to study the liability risk-sharing regime currently applicable to U.S. commercial space transportation and recommend any appropriate modifications as part of a comprehensive report. The study mandated by the Commercial Space Transportation Competitiveness Act of 2000 (referred to in this Notice as the Space Competitiveness Act), Public Law 106-405, covers a variety of issues associated with liability risk-sharing for commercial space transportation. Government agency and public views will be presented as part of the final report to Congress.

A Notice issued in the **Federal Register** on March 19, 2001, provides background information concerning the liability risk-sharing regime applicable to commercial space transportation under current law. 66 FR 15521-15523, March 19, 2001. The Notice outlines report requirements and the specific areas of study and analysis identified in the Space Competitiveness Act. It can be viewed at the AST Internet home page, <http://ast.faa.gov>.

The on-line public forum will allow electronic discussion of the issues

identified for analysis by the Space Competitiveness Act. Through the Internet, a large cross-section of the interested public will be able to share views and information with each other and the FAA, and assist the FAA in compiling the range of perspectives concerning an appropriate risk-sharing regime for commercial space transportation. According to an AST report issued February 2001, "The Economic Impact of Commercial Space Transportation on the U.S. Economy," U.S. economic activity in 1999 linked to the commercial space industry totaled over \$61.3 billion. Industries enabled by commercial space transportation are not limited to launch vehicle and satellite manufacturing. They include associated consumer services such services as telecommunications, mobile data, direct-to-home television, remote sensing and related processing, as well as distribution industries. Accordingly, the interested public is not limited to launch services providers and their immediate customers but may include all persons who utilize satellite services, directly and indirectly. Through the on-line public forum, the FAA invites participation of all sectors of the interested public, including consumers.

At the public meeting and in the on-line public forum, the FAA will solicit public comments and on-line discussion on the following issues, and welcomes other related ideas and information from the public. When responding to questions posed and providing views and information, please provide specific and detailed responses along with supporting rationale (quantitative and qualitative) for your answers.

1. Could the U.S. commercial space transportation industry compete effectively against non-U.S. launch providers without the existing liability risk-sharing regime?

2. Are the liability risk-sharing regimes of other space-faring countries relevant to the competitiveness of the U.S. space transportation industry? Are there specific elements of particular foreign regimes that you believe provide advantages or benefits to entities that fall under those regimes?

3. Does holding a launch operator strictly liable for the damage or injury that results from its launch hinder the commercialization of space launch capability?

4. By treaty, the U.S. Government accepts absolute liability for damage on the ground or to aircraft in flight outside of the United States when a launch takes place from U.S. territory or facilities. Given the Government's obligations in this regard, does the existing liability risk-sharing regime

provide adequate coverage and financial protection for the commercial space transportation industry as well as the Government?

5. U.S. and foreign air carriers operating in the United States are required to maintain insurance coverage in certain minimum amounts covering liability to passengers and persons and property on the ground. For aircraft with more than 60 seats or more than 18,000 pounds of capacity, carriers must maintain third-party accident liability coverage in the minimum amount of \$300,000 for any one person other than a passenger and a total of \$20 million per involved aircraft for each occurrence. There is no government indemnification in the event claims exceed that amount, nor does the U.S. Government accept treaty-based liability in the event of such damage. At what stage of development and under what circumstances should the airline liability regime become a model for commercial reusable launch vehicles (RLVs) that will routinely take-off and land?

6. The Federal Government's current indemnification policy does not cover risks associated with commercial spaceport operations that do not involve launch vehicles. Do commercial spaceports require a liability risk-sharing regime comparable to that utilized for licensed launches and reentries, even when there is no vehicle-related activity taking place at the spaceport?

7. What factors should the U.S. Congress consider in determining whether to continue as-is, or modify, existing laws in terms of liability risk-sharing for commercial space launch and reentry activities?

8. What suggestions do you have for modifying the existing liability risk-sharing laws applicable to commercial launch and reentry activities?

The public can join the on-line public forum by clicking the "On-Line Public Forum" hyperlink on the AST Internet home page, <http://ast.faa.gov>. The docket and the on-line public forum will close on May 11, 2001, so that the FAA can evaluate responses from the public to these questions and incorporate them in the further development of the report. However, the FAA will continue to welcome public views and information on issues associated with liability risk-sharing provisions for commercial space transportation under current law.

Persons wishing to present a prepared statement at the public meeting should reserve time for doing so by contacting AST directing at (202) 267-7793.

Issued in Washington, DC, on April 5, 2001.

**Patricia Grace Smith,**

*Associate Administrator for Commercial Space Transportation.*

[FR Doc. 01-8916 Filed 4-6-01; 1:24 pm]

**BILLING CODE 4910-13-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Highway Administration

#### Environmental Impact Statement: Weber County, UT

**AGENCY:** Federal Highway Administration (FHWA), DOT.

**ACTION:** Notice of intent.

**SUMMARY:** The FHWA is issuing this notice to advise the public that an Environmental Impact Statement (EIS) will be prepared to address operational, infrastructure, and geometrical deficiencies along I-15 from 31st Street to 2700 North in Weber County, Utah.

#### FOR FURTHER INFORMATION CONTACT:

Gregory Punske, P.E., Project Development Engineer, FHWA, Utah Division, 2520 West 4700 South, Suite 9-A, Salt Lake City, UT 84118, Telephone: (801) 963-0182; or Rex Harris, Utah Department of Transportation (UDOT), 169 North Wall Avenue, Ogden, UT 84412, Telephone: (801) 399-5921, extension 267.

**SUPPLEMENTARY INFORMATION:** The FHWA in cooperation with the UDOT will prepare an EIS in accordance with the National Environmental Policy Act (NEPA) for a proposed action to address operational, infrastructure, and geometrical deficiencies along I-15 from 31st Street to 2700 North in Weber County, Utah, approximately 13.7 km (8.5 miles) in length. The proposed study intends to consider no-build, transit, transportation system management, and build alternatives to address the need for improvements along this interstate corridor. Build alternatives will consider upgrading the existing facility. The project limits for the build alternatives are expected to be SR-79 (31st Street in Ogden) as the southern terminus and SR-134 (2700 North in North Ogden) as the northern terminus.

A project steering committee and also an advisory committee will be established to encourage early and on-going participation from interested parties. Letters describing the proposed action and soliciting comment will be sent to the appropriate Federal, State, and local agencies, and the private organizations and citizens who have expressed or are known to have an

interest in this project. A public scoping meeting will be held. Other public meetings to assist in project scoping efforts are also planned. Additionally, a public hearing will be held. Public notice will be published giving the time and place of these meetings and hearing. The draft environmental document will be available for public and agency review and comment before the public hearing.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments, and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program)

Issued on: April 5, 2001.

**David C. Gibbs,**

*Division Administrator.*

[FR Doc. 01-8883 Filed 4-10-01; 8:45 am]

**BILLING CODE 4910-22-M**

## DEPARTMENT OF TRANSPORTATION

### National Highway Traffic Safety Administration

#### Denial of Motor Vehicle Defect Petition

**AGENCY:** National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

**ACTION:** Denial of motor vehicle defect petition.

**SUMMARY:** This notice sets forth the reasons for the denial of a September 13, 2000 petition submitted to NHTSA under 49 U.S.C. 30162 by Beverly Mulder, requesting that the agency commence a proceeding to determine the existence of a defect related to motor vehicle safety in certain multi-axle trailers manufactured by the Fruehauf Trailer Corporation (Fruehauf) in 1995 and 1996. After reviewing the petition and other information, NHTSA has concluded that further expenditure of the agency's investigative resources on the issues raised by the petition does not appear to be warranted. The agency accordingly has denied the petition.

**FOR FURTHER INFORMATION CONTACT:** Mr. Richard Boyd, Chief, Vehicle Control Division, Office of Defects Investigation (ODI), Office of Safety Assurance, NHTSA, 400 Seventh Street, SW.,



Washington, DC 20590. Telephone: (202) 366-1690.

**SUPPLEMENTARY INFORMATION:** On September 13, 2000, Ms. Beverly Mulder submitted a petition requesting that the agency investigate certain alleged defects in multi-axle trailers that were custom-built for the petitioner by Fruehauf in late 1995 and early 1996. The petitioner owns four of these trailers. The petitioner alleged that the trailers "sway violently side to side when they are loaded. They cannot be held on the road when there is a curve and when there is a heavy side wind. The units will be blown off the road or across the road if hit with (sic) by a wind gust."

The petitioner had four trailers custom-built by Fruehauf in anticipation of obtaining a contract to haul drywall. The trailers were purchased through Michigan Trailer Sales (MTS) located in Grand Haven, Michigan. Two trailers were purchased in late 1995 and the remaining two were purchased in 1996. ODI was unable to contact Fruehauf directly due to bankruptcy and judicial dissolution in 1998. However, information obtained by ODI indicates that only six trailers were built to these particular technical specifications.

The trailers are referred to as "sled six axle trailers." They are approximately 50 feet long and 102 inches wide. The units have six axles, with the front four axles using a Granning Air Ride Air Lift Suspension system. (The vast majority of trailers used in Class 8 tractor/trailer combinations are semi-trailers, with only two axles, which are located at the rear of the vehicle.) The trailers were built to carry 90,000 to 95,000 pounds and, therefore, require a special permit to operate when fully loaded, since the maximum load for a tractor/trailer combination in the United States is normally 80,000 pounds. The trailers were originally intended to carry loads of drywall stacked 13.5 feet high. This would result in a relatively high center of gravity.

Ms. Mulder and her husband alleged that the trailers do not handle well. Specifically, she stated that "the loads shift and that the trailers wobble and lean dangerously going into curves, any amount of wind will blow them off the road altogether." There are no allegations of any crashes as a result of this problem.

ODI has obtained and reviewed numerous written communications between the Mulders and MTS concerning the handling allegations, demands for corrective action, and demands that the trailers be re-

purchased. NHTSA's authority lies with Fruehauf, the trailer manufacturer. We have no authority over disputes with dealers or buy-back issues.

During the course of our investigation we found that the manufacturer of the subject trailers, Fruehauf, was judicially dissolved by the United States Bankruptcy Court for the District of Delaware on October 27, 1998. Although Fruehauf sold its domestic trailer manufacturing and domestic sales and distribution business to Wabash National Corporation (Wabash) in the course of the bankruptcy proceeding, the Bankruptcy Court's Order of May 26, 1999, declared that Wabash was not to be subject to any claims asserting successor liability for products made by Fruehauf. Therefore, there is no entity to which NHTSA could issue a recall order, even if a safety-related defect were found to exist.

In view of the fact that it would require extensive resources to fully evaluate the alleged problem, the fact that there are very few vehicles at issue, and the fact that we would be unable to compel any entity to conduct a recall even if we were to determine that a defect exists, further expenditure of the agency's investigative resources on the allegations in the petition is not warranted. Therefore, the petition is denied.

**Authority:** 49 U.S.C. 30162(d); delegation of authority at CFR 1.50 and 501.8.

Issued on April 4, 2001.

**Kenneth N. Weinstein,**  
Associate Administrator for Safety Assurance.

[FR Doc. 01-8944 Filed 4-10-01; 8:45 am]

**BILLING CODE 4910-59-M**

## DEPARTMENT OF TRANSPORTATION

### Surface Transportation Board

[STB Docket No. AB-33 (Sub-No. 169X);  
STB Docket No. AB-6 (Sub-No. 389X)]

#### **Union Pacific Railroad Company— Abandonment Exemption—in Marion and Polk Counties, OR; The Burlington Northern and Santa Fe Railway Company—Discontinuance of Service Exemption—in Marion and Polk Counties, OR**

Union Pacific Railroad Company (UP) and The Burlington Northern and Santa Fe Railway Company (BNSF) have filed a notice of exemption under 49 CFR 1152 subpart F—*Exempt Abandonments and Discontinuances of Service* for UP to abandon and BNSF to discontinue service over a 0.76-mile line of railroad known as the Dallas Branch from

milepost 719.74 to milepost 720.50 in Salem, Marion and Polk Counties, OR. The line traverses United States Postal Service Zip Codes 97301 and 97304.

UP and BNSF have certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic moving over the line; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment or discontinuance shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed. Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on May 11, 2001, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,<sup>1</sup> formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),<sup>2</sup> and trail use/rail banking requests under 49 CFR 1152.29 must be filed by April 23, 2001. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by May 2, 2001, with: Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423.

A copy of any petition filed with the Board should be sent to applicants' representatives: James P. Gatlin, General Attorney, Union Pacific Railroad Company, 1416 Dodge Street, Room 830, Omaha, NE 68179; and Sarah

<sup>1</sup> The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis (SEA) in its independent investigation) cannot be made before the exemption's effective date. See *Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

<sup>2</sup> Each offer of financial assistance must be accompanied by the filing fee, which currently is set at \$1000. See 49 CFR 1002.2(f)(25).



Whitley Bailiff, Senior General Attorney, The Burlington Northern and Santa Fe Railway Company, 2500 Lou Menk Drive, P.O. Box 961039, Fort Worth, TX 76161-0039.

If the verified notice contains false or misleading information, the exemption is void *ab initio*.

UP has filed an environmental report which addresses the abandonment's effects, if any, on the environment or historic resources. SEA will issue an environmental assessment (EA) by April 16, 2001. Interested persons may obtain a copy of the EA by writing to SEA (Room 500, Surface Transportation Board, Washington, DC 20423) or by calling SEA, at (202) 565-1545. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), UP shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned the line. If consummation has not been effected by UP's filing of a notice of consummation by April 11, 2002, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our website at [WWW.STB.DOT.GOV](http://WWW.STB.DOT.GOV).

Decided: April 3, 2001.

By the Board, David M. Konschnik, Director, Office of Proceedings.

**Vernon A. Williams,**  
*Secretary.*

[FR Doc. 01-8665 Filed 4-10-01; 8:45 am]

**BILLING CODE 4915-00-P**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### **Proposed Collection; Comment Request for Regulation Project; Regulations Under Tax Conventions—Ireland**

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed

and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing regulation, Regulations Under Tax Conventions—Ireland (26 CFR Part 513).

**DATES:** Written comments should be received on or before June 11, 2001 to be assured of consideration.

**ADDRESSES:** Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the income tax treaty should be directed to Carol Savage, (202) 622-3945, Internal Revenue Service, room 5242, 1111 Constitution Avenue NW., Washington, DC 20224.

#### **SUPPLEMENTARY INFORMATION:**

*Title:* Regulations Under Tax Conventions—Ireland.

*OMB Number:* 1545-0834.

*Abstract:* The information required by these regulations is needed to allow taxpayers to receive benefits under the tax treaty, and to allow withholding agents to permit those benefits to be immediately realized by the taxpayers. The information is used by the Internal Revenue Service to determine if the treaty benefits are being used properly, to aid in determining whether income is being reported accurately, and to prevent evasion of income taxes.

*Current Actions:* There is no change to these existing regulations.

*Type of Review:* Extension of a currently approved collection.

*Affected Public:* Individuals or households, and business or other for-profit organizations.

*Estimated Number of Respondents:* 20.

*Estimated Time Per Respondent:* 15 minutes.

*Estimated Total Annual Burden*

*Hours:* 5.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

*Request for Comments:* Comments submitted in response to this notice will

be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: April 2, 2001.

**Garrick R. Shear,**

*IRS Reports Clearance Officer.*

[FR Doc. 01-8945 Filed 4-10-01; 8:45 am]

**BILLING CODE 4830-01-P**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### **[Regulation Section 601.601]**

#### **Proposed Collection; Comment Request for Regulation Project**

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, regulation section 601.601, Rules and Regulations.

**DATES:** Written comments should be received on or before June 11, 2001 to be assured of consideration.

**ADDRESSES:** Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the regulation section should be directed to Carol Savage, (202) 622-3945, Internal Revenue Service, room

5242, 1111 Constitution Avenue NW., Washington, DC 20224.

**SUPPLEMENTARY INFORMATION:**

*Title:* Rules and Regulations.

*OMB Number:* 1545-0800.

*Regulation Project Number:*

Regulation section 601.601.

*Abstract:* Persons wishing to speak at a public hearing on a proposed rule must submit written comments and an outline within prescribed time limits, for use in preparing agendas and allocating time. Persons interested in the issuance, amendment, or repeal of a rule may submit a petition for this. IRS considers the petitions in its deliberations.

*Current Actions:* There is no change to this existing regulation.

*Type of Review:* Extension of a currently approved collection.

*Affected Public:* Individuals or households, and business or other for-profit organizations, not-for-profit institutions, farms, and Federal, state, local or tribal governments.

*Estimated Number of Respondents:* 600.

*Estimated Time Per Respondent:* 1 hour, 30 minutes.

*Estimated Total Annual Burden Hours:* 900.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

*Request for Comments:* Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital

or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: April 2, 2001.

**Garrick R. Shear,**

*IRS Reports Clearance Officer.*

[FR Doc. 01-8946 Filed 4-10-01; 8:45 am]

**BILLING CODE 4830-01-P**

**DEPARTMENT OF THE TREASURY**

**Internal Revenue Service**

**[IA-96-88]**

**Proposed Collection; Comment Request for Regulation Project**

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, IA-96-88 (TD 8435), Certain Elections Under the Technical and Miscellaneous Revenue Act of 1988 and the Redesignation of Certain Other Temporary Elections Regulations (§ 301.9100-8).

**DATES:** Written comments should be received on or before June 11, 2001 to be assured of consideration.

**ADDRESSES:** Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue, NW., Washington, DC 20224.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the regulation should be directed to Carol Savage, (202) 622-3945, Internal Revenue Service, room 5242, 1111 Constitution Avenue NW., Washington, DC 20224.

**SUPPLEMENTARY INFORMATION:**

*Title:* Certain Elections Under the Technical and Miscellaneous Revenue Act of 1988 and the Redesignation of Certain Other Temporary Elections Regulations.

*OMB Number:* 1545-1112.

*Regulation Project Number:* IA-96-88.

*Abstract:* Regulation section 301.9100-8, formerly section 5h.6, provides final income, estate and gift, and employment tax regulations relating

to elections made under the Technical and Miscellaneous Revenue Act of 1988. This regulation enables taxpayers to take advantage of various benefits provided by the Internal Revenue Code.

*Current Actions:* There is no change to this existing regulation.

*Type of Review:* Extension of a currently approved collection.

*Affected Public:* Individuals or households, business or other for-profit organizations, not-for-profit institutions, farms, and state, local, or tribal governments.

*Estimated Number of Respondents:* 24,305.

*Estimated Time Per Respondent:* 17 minutes.

*Estimated Total Annual Burden Hours:* 6,712.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number.

Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

*Request for Comments:* Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record.

Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: April 2, 2001.

**Garrick R. Shear,**

*IRS Reports Clearance Officer.*

[FR Doc. 01-8947 Filed 4-10-01; 8:45 am]

**BILLING CODE 4830-01-P**

**DEPARTMENT OF THE TREASURY****Internal Revenue Service****[REG-251703-96]****Proposed Collection; Comment Request for Regulation Project****AGENCY:** Internal Revenue Service (IRS), Treasury.**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, REG-251703-96 (TD 8813), Residence of Trusts and Estates—7701 (§ 301.7701-7).

**DATES:** Written comments should be received on or before June 11, 2001 to be assured of consideration.

**ADDRESSES:** Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the regulation should be directed to Carol Savage, (202) 622-3945, Internal Revenue Service, room 5242, 1111 Constitution Avenue NW., Washington, DC 20224.

**SUPPLEMENTARY INFORMATION:**

*Title:* Residence of Trusts and Estates—7701.

*OMB Number:* 1545-1600.

*Regulation Project Number:* REG-251703-96.

*Abstract:* This regulation provides the procedures and requirements for making the election to remain a domestic trust in accordance with section 1161 of the Taxpayer Relief Act of 1997. The information submitted by taxpayers will be used by the IRS to determine if a trust is a domestic trust or a foreign trust.

*Current Actions:* The paperwork burden is decreased because the time for making the election to remain a domestic trust has expired.

*Type of Review:* Revision of a currently approved collection.

*Affected Public:* Individuals or households.

*Estimated Number of Respondents:* 222.

*Estimated Time Per Respondent:* 31 minutes.

*Estimated Total Annual Burden Hours:* 114.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

*Request for Comments:* Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: April 2, 2001.

**Garrick R. Shear,**

*IRS Reports Clearance Officer.*

[FR Doc. 01-8948 Filed 4-10-01; 8:45 am]

**BILLING CODE 4830-01-P**

**DEPARTMENT OF THE TREASURY****Internal Revenue Service****[LR 2013 and EE-155-78]****Proposed Collection; Comment Request for Regulation Project****AGENCY:** Internal Revenue Service (IRS), Treasury.**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information

collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning existing final regulations, LR 2013 (TD 7533), Disc Rules on Procedure and Administration; Rules on Export Trade Corporations, and EE-155-78 (TD 7896), Income From Trade Shows (§§ 1.6071-1 and 1.6072-2).

**DATES:** Written comments should be received on or before June 11, 2001 to be assured of consideration.

**ADDRESSES:** Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of regulations should be directed to Carol Savage, (202) 622-3945, Internal Revenue Service, room 5242, 1111 Constitution Avenue NW., Washington, DC 20224.

**SUPPLEMENTARY INFORMATION:**

*Title:* LR 2013 (TD 7533), Disc Rules on Procedure and Administration; Rules on Export Trade Corporations, and EE-155-78 (TD 7896), Income From Trade Shows.

*OMB Number:* 1545-0807.

*Regulation Project Numbers:* LR 2013 and EE-155-78.

*Abstract:* Regulation section 1.6071-1(b) requires that when a taxpayer files a late return for a short period, proof of unusual circumstances for late filing must be given to the District Director. Sections 6072(b), (c), (d), and (e) of the Internal Revenue Code deal with the filing dates of certain corporate returns. Regulation section 1.6072-2 provides additional information concerning these filing dates.

*Current Actions:* There is no change to these existing regulations.

*Type of Review:* Extension of OMB approval.

*Affected Public:* Individual or households, business or other for-profit organizations, not-for-profit institutions, farms, and state, local or tribal governments.

*Estimated Number of Respondents:* 12,417.

*Estimated Time Per Respondent:* 15 minutes.

*Estimated Total Annual Burden Hours:* 3,104.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number.

Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

**Request for Comments:** Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: April 3, 2001.

**Garrick R. Shear,**

*IRS Reports Clearance Officer.*

[FR Doc. 01-8949 Filed 4-10-01; 8:45 am]

**BILLING CODE 4830-01-P**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

[Regulation Section 31.6001]

#### Proposed Collection; Comment Request for Regulation Project

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning existing regulations, 26 CFR 31.6001-1, Records in general; 26 CFR 31.6001-2, Additional Records under FICA; 26 CFR 31.6001-3, Additional records under Railroad Retirement Tax Act; 26 CFR

31.6001-5, Additional records in connection with collection of income tax at source on wages; 26 CFR 31.6001-6, Notice by District Director requiring returns, statements, or the keeping of records.

**DATES:** Written comments should be received on or before June 11, 2001 to be assured of consideration.

**ADDRESSES:** Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the regulation sections should be directed to Carol Savage, (202) 622-3945, Internal Revenue Service, room 5242, 1111 Constitution Avenue NW., Washington, DC 20224.

#### SUPPLEMENTARY INFORMATION:

**Title:** 26 CFR 31.6001-1, Records in general; 26 CFR 31.6001-2, Additional Records under FICA; 26 CFR 31.6001-3, Additional records under Railroad Retirement Tax Act; 26 CFR 31.6001-5, Additional records in connection with collection of income tax at source on wages; 26 CFR 31.6001-6, Notice by District Director requiring returns, statements, or the keeping of records.

**OMB Number:** 1545-0798.

**Abstract:** Internal Revenue Code section 6001 requires, in part, that every person liable for tax, or for the collection of that tax must keep such records and comply with such rules and regulations as the Secretary may from time to time prescribe. The recordkeeping requirements under 26 CFR 31.6001 have special application to employment taxes (and to employers) and are needed to ensure proper compliance with the Code. Upon examination, the records are needed by the taxpayer to establish the employment tax liability claimed on any tax return.

**Current Actions:** There is no change to these existing regulations.

**Type of Review:** Extension of a currently approved collection.

**Affected Public:** Individuals or households, business or other for-profit organizations, not-for-profit institutions, farms, and Federal, state, local or tribal governments.

**Estimated Number of Recordkeepers:** 5,676,263.

**Estimated Time Per Recordkeeper:** 5 hours, 20 minutes.

**Estimated Total Annual Recordkeeping Hours:** 30,273,950.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to

respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

**Request for Comments:** Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: April 3, 2001.

**Garrick R. Shear,**

*IRS Reports Clearance Officer.*

[FR Doc. 01-8950 Filed 4-10-01; 8:45 am]

**BILLING CODE 4830-01-P**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

[Regulation Section 1.6001-1]

#### Proposed Collection; Comment Request for Regulation Project

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, regulation section 1.6001-1, Records.

**DATES:** Written comments should be received on or before June 11, 2001 to be assured of consideration.

**ADDRESSES:** Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the regulation section should be directed to Carol Savage, (202) 622-3945, Internal Revenue Service, room 5242, 1111 Constitution Avenue NW., Washington, DC 20224.

**SUPPLEMENTARY INFORMATION:**

*Title:* Records.

*OMB Number:* 1545-1156.

*Regulation Project Number:*

Regulation section 1.6001-1.

*Abstract:* Internal Revenue Code section 6001 requires, in part, that every person liable for tax, or for the collection of that tax, keep such records and comply with such rules and regulations as the Secretary (of the Treasury) may from time to time prescribe. It also allows the Secretary, in his or her judgement, to require any person to keep such records that are sufficient to show whether or not that person is liable for tax. Under regulation section 1.6001-1, in general, any person subject to tax, or any person required to file an information return, must keep permanent books of account or records, including inventories, that are sufficient to establish the amount of gross income, deductions, credits or other matters required to be shown by such person in any tax return or information return. Books and records are to be kept available for inspection by authorized internal revenue officers or employees and are to be retained so long as their contents became material in the administration of any internal revenue law.

*Current Actions:* There is no change to these existing regulations.

*Type of Review:* Extension of a currently approved collection.

*Affected Public:* Individuals or households, and business or other for-profit organizations, not-for-profit institutions, farms, and Federal, state, local or tribal governments.

The recordkeeping burden in this regulation is already reflected in the burden of all tax forms.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection

of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

*Request for Comments:* Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: April 2, 2001.

**Garrick R. Shear,**

*IRS Reports Clearance Officer.*

[FR Doc. 01-8951 Filed 4-10-01; 8:45 am]

**BILLING CODE 4830-01-P**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### Proposed Collection; Comment Request for Form 8396

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice and request for comments.

**SUMMARY:** The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8396, Mortgage Interest Credit.

**DATES:** Written comments should be received on or before June 11, 2001 to be assured of consideration.

**ADDRESSES:** Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

**FOR FURTHER INFORMATION CONTACT:**

Requests for additional information or copies of the form and instructions should be directed to Allan Hopkins, (202) 622-6665, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

**SUPPLEMENTARY INFORMATION:**

*Title:* Mortgage Interest Credit.

*OMB Number:* 1545-0930.

*Form Number:* 8396.

*Abstract:* Form 8396 is used by individual taxpayers to claim a credit against their tax for a portion of the interest paid on a home mortgage in connection with a qualified mortgage certificate. Internal Revenue Code section 25 allows the credit and code section 163(g) provides that the mortgage interest deduction will be reduced by the credit. The IRS uses the information on the form to verify the mortgage interest taken and to verify that the mortgage interest deducted on Schedule A (Form 1040) has been reduced by the allowable credit.

*Current Actions:* There are no changes being made to the form at this time.

*Type of Review:* Extension of a currently approved collection.

*Affected Public:* Individuals or households.

*Estimated Number of Respondents:* 30,000.

*Estimated Time Per Respondent:* 1 hr., 33 min.

*Estimated Total Annual Burden Hours:* 46,500.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

*Request for Comments:* Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the

information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: April 3, 2001.

**Garrick R. Shear,**

*IRS Reports Clearance Officer.*

[FR Doc. 01-8952 Filed 4-10-01; 8:45 am]

**BILLING CODE 4830-01-P**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

#### Open Meeting of Citizen Advocacy Panel

**AGENCY:** Internal Revenue Service (IRS), Treasury.

**ACTION:** Notice.

**SUMMARY:** An open meeting of the New York Metro Citizen Advocacy Panel will be held in Brooklyn, New York.

**DATES:** The meeting will be held Thursday, May 17, 2001.

**FOR FURTHER INFORMATION CONTACT:** Eileen Cain at 1-888-912-1227 or 718-488-3555.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an operational meeting of the Citizen Advocacy Panel will be held Thursday, May 17, 2001 6:00 p.m. to 9:20 p.m. at the Internal Revenue Service Brooklyn Building located at 625 Fulton Street, Brooklyn, NY 11201. For more information or to confirm attendance, notification of intent to attend the meeting must be made with Eileen Cain. Mrs. Cain can be reached at 1-888-912-1227 or 718-488-3555. The public is invited to make oral comments from 8:30 p.m. to 9:20 p.m. on Thursday, May 17, 2001. Individual comments will be limited to 5 minutes. If you would like to have the CAP consider a written statement, please call 1-888-912-1227 or 718-488-3555, or write Eileen Cain, CAP Office, P.O. Box R, Brooklyn, NY, 11201. The Agenda will include the following: various IRS issues.

**Note:** Last minute changes to the agenda are possible and could prevent effective advance notice.

Dated: April 3, 2001.

**Cathy VanHorn,**

*Director, Citizen Advocacy Panel (CAP), Communications and Liaison.*

[FR Doc. 01-8953 Filed 4-10-01; 8:45 am]

**BILLING CODE 4830-01-P**

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service (IRS)

#### Notice of Open Meeting of New York Metro Citizen Advocacy Panel

**SUMMARY:** An open meeting of the New York Metro Citizen Advocacy Panel will be held in Manhattan, New York.

**DATES:** The meeting will be held Thursday, May 10, 2001.

**FOR FURTHER INFORMATION CONTACT:** Eileen Cain at 1-888-912-1227 or 718-488-3555.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given pursuant to section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1988) that an operational meeting of the Citizen Advocacy Panel will be held Thursday, May 10, 2001, 6:00 p.m. to 8:30 p.m. at the Norman Thomas High School, 111 East 33rd Street—at Park Ave., Manhattan, NY. If you are in need of a hearing impaired or a language interpreter or for more information, please contact Eileen Cain.

Mrs. Cain can be reached at 1-888-912-1227 or 718-488-3555. The public is invited to make oral comments from 6:30 p.m. to 8:30 p.m. on Thursday, May 10, 2001. Individual comments will be limited to 5 minutes. If you would like to have the CAP consider a written statement, please call 1-888-912-1227 or 718-488-3555, or write Eileen Cain, CAP Office, P.O. Box R, Brooklyn, NY, 11201. The Agenda will include the following: various IRS issues.

**Note:** Last minute changes to the agenda are possible and could prevent effective advance notice.

Dated: April 3, 2001.

**Cathy VanHorn,**

*Director, Citizen Advocacy Panel (CAP), Communication and Liaison.*

[FR Doc. 01-8954 Filed 4-10-01; 8:45 am]

**BILLING CODE 4830-01-M**

## DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0455]

### Proposed Information Collection Activity: Proposed Collection; Comment Request

**AGENCY:** Veterans Benefits Administration, Department of Veterans Affairs

**ACTION:** Notice

**SUMMARY:** The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed reinstatement, without change, of a previously approved collection for which approval has expired, and allow 60 days for public comment in response to the notice. This notice solicits comments for information needed to determine whether or not proprietary education institutions receiving Federal financial assistance are in compliance with the applicable civil rights statutes and regulations.

**DATES:** Written comments and recommendations on the proposed collection of information should be received on or before June 11, 2001.

**ADDRESSES:** Submit written comments on the collection of information to Nancy J. Kessinger, Veterans Benefits Administration (20S52), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420 or e-mail [irmnkess@vba.va.gov](mailto:irmnkess@vba.va.gov). Please refer to "OMB Control No. 2900-0455" in any correspondence.

**FOR FURTHER INFORMATION CONTACT:** Nancy J. Kessinger at (202) 273-7079 or FAX (202) 275-5947.

**SUPPLEMENTARY INFORMATION:** Under the PRA of 1995 (Public Law 104-13; 44 U.S.C., 3501 " 3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the

burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

*Title:* Equal Opportunity Compliance Review Report, VA Form 20-8734 and Supplement to Equal Opportunity Compliance Review Report, VA Form 20-8734a.

*OMB Control Number:* 2900-0455.

*Type of Review:* Reinstatement, without change, of a previously approved collection for which approval has expired.

*Abstract:* Executive Order 12250, Leadership and Coordination of Nondiscrimination Laws, delegated authority to the Attorney General to coordinate the implementation and enforcement by Executive agencies of various equal opportunity laws that prohibit discrimination in programs and activities that receive Federal financial assistance. Government-wide guidelines issued by the Department of Justice (DOJ) in 29 CFR 42.406 instruct funding agencies to "provide for the collection of data and information from applicants for and recipients of Federal assistance sufficient to permit effective enforcement of Title VI." Executive Order 12250 extended the delegation to cover Title IX of the Education Amendments of 1972, and Section 504 of the Rehabilitation Act of 1973, as amended.

VA's regulation that effectuates external civil rights requirements is contained in 38 CFR, part 18. The regulation provides that the responsible agency official or designee shall, from time to time, review the practices of recipients to determine whether they are complying with the equal opportunity provisions. VA Form 20-8734 is used to gather information from post-secondary proprietary schools below college level. The information is used to assure that VA-funded programs are in compliance with equal opportunity laws. VA Form 20-8734a, is used to gather information from students and instructors at post-secondary proprietary schools below college level. The information is used to assure that participants have equal access to equal treatment in VA-funded programs.

The forms are used by Education Compliance Survey Specialists in VA field stations during regular scheduled educational compliance survey visits, as well as during investigations of equal opportunity complaints, to identify

areas which may indicate whether there is disparate treatment of members of protected groups. The information obtained on these forms is analyzed and maintained on file at the regional office. If this information were not collected, VA would be unable to carry out the civil rights enforcement responsibilities established in the DOJ's guidelines and VA's regulations.

*Affected Public:* Business or other for-profit.

*Estimated Annual Burden and Average Burden Per Respondent:* Based on past experience, VBA estimates that 76 interviews will be conducted with recipients using VA Form 20-8734 at an average of 1 hour and 45 minutes per interview (133 hours). This includes one hour for an interview with the principal facility official, plus 45 minutes for reviewing records and reports and touring the facility. It is also estimated that 76 interviews will be conducted with students using VA Form 20-8734a at an average of 30 minutes per interview (38 hours) and with instructors at an average of 30 minutes per interview (38 hours) with a total of 76 hours. Interviews are also conducted with 76 students without instructors at an average time of 30 minutes. VBA estimates that it will take 1 hour to conduct an interview with the recipients (76 hours) and 30 minutes with the instructors (38 hours). The total number of hours for interviewing recipients and instructors is estimated at 114.

*Frequency of Response:* On occasion.

*Estimated Number of Respondents:* 228.

Dated: March 26, 2001.

By direction of the Secretary,

**Donald L. Neilson,**

*Director, Information Management Service.*

[FR Doc. 01-8956 Filed 4-10-01; 8:45 am]

**BILLING CODE 8320-01-P**

## DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0546]

### Proposed Information Collection Activity: Proposed Collection; Comment Request

**AGENCY:** National Cemetery Administration, Department of Veterans Affairs.

**ACTION:** Notice.

**SUMMARY:** The National Cemetery Administration (NCA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain

information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection and allow 60 days for public comment in response to the notice. This notice solicits comments on requirements relating to the biennial survey of individuals holding gravesite set-asides in national cemeteries to determine if they wish to retain their set-aside, or wish to relinquish it.

**DATES:** Written comments and recommendations on the proposed collection of information should be received on or before June 11, 2001.

**ADDRESSES:** Submit written comments on the collection of information to Joycelyn Hearn, National Cemetery Administration (402B), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 or e-mail comments to:

[joycelyn.hearn@mail.va.gov](mailto:joycelyn.hearn@mail.va.gov). Please refer to "OMB Control No. 2900-0546" in any correspondence.

**FOR FURTHER INFORMATION CONTACT:** Joycelyn Hearn at (202) 273-5181 or FAX (202) 273-6695.

**SUPPLEMENTARY INFORMATION:** Under the PRA of 1995 (Public Law 104-13; 44 U.S.C., 3501-3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, NCA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of NCA's functions, including whether the information will have practical utility; (2) the accuracy of NCA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

*Title:* Gravesite Reservation Survey (2 Year), VA Form 40-40.

*OMB Control Number:* 2900-0546.

*Type of Review:* Extension of a currently approved collection.

*Abstract:* In the past, the survey was conducted annually. VA Form Letter 40-40 will be sent biennially (once every two years on a 24 month rotating



basis) to individuals holding gravesite set-asides in national cemeteries to ascertain their wish to retain their set-aside, or wish to relinquish it. The collection of information is necessary to assure that gravesite set-asides are not wasted. Some holders become ineligible, are buried elsewhere, or simply wish to cancel a gravesite set-aside for them. Without this information, unused set-asides would exist which could be used by other veterans.

*Affected Public:* Individuals or households.

*Estimated Annual Burden:* 3,000.

*Estimated Average Burden Per Respondent:* 10 minutes.

*Frequency of Response:* Biennially.

*Estimated Number of Respondents:* 18,000.

Dated: March 19, 2001.

By direction of the Secretary.

**Donald L. Neilson,**

*Director, Information Management Service.*

[FR Doc. 01-8957 Filed 4-10-01; 8:45 am]

**BILLING CODE 8320-01-P**

## DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0586]

### Proposed Information Collection Activity: Proposed Collection; Comment Request

**AGENCY:** Office of Acquisition and Materiel Management, Department of Veterans Affairs.

**ACTION:** Notice.

**SUMMARY:** The Office of Acquisition and Materiel Management (OA&MM), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed reinstatement, without change, of a previously approved collection for which approval has expired, and allow 60 days for public comment in response to the notice. This notice solicits comments on the information needed to ensure that the items being purchased meet minimum safety standards and to protect VA employees, VA beneficiaries and the public.

**DATES:** Written comments and recommendations on the proposed collection of information should be received on or before June 11, 2001.

**ADDRESSES:** Submit written comments on the collection of information to Donald E. Kaliher, Office of Acquisition and Materiel Management (95A), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 or e-mail

*donald.kaliher@mail.va.gov*. Please refer to "OMB Control No. 2900-0586" in any correspondence.

#### FOR FURTHER INFORMATION CONTACT:

Donald E. Kaliher at (202) 273-8819.

**SUPPLEMENTARY INFORMATION:** Under the PRA of 1995 (Public Law 104-13; 44 U.S.C., 3501-3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, OA&MM invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of OA&MM's functions, including whether the information will have practical utility; (2) the accuracy of OA&MM's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

*Title:* Veterans Affairs Acquisition Regulation (VAAR) Provision 852.211-75, Technical Industry Standards.

*OMB Control Number:* 2900-0586.

*Type of Review:* Reinstatement, without change, of a previously approved collection for which approval has expired.

*Abstract:* VAAR provision 852.211-75, Technical Industry Standards, requires that items offered for sale to VA under the solicitation conform to certain technical industry standards, such as Underwriters Laboratory (UL) or the National Fire Protection Association, and that the contractor furnish evidence to VA that the items meet that requirement. The evidence is normally in the form of a tag or seal affixed to the item, such as the UL tag on an electrical cord or a tag on a fire-rated door. This requires no additional effort on the part of the contractor, as the items come from the factory with the tags already in place, as part of the manufacturer's standard manufacturing operation. Occasionally, for items not already meeting standards or for items not previously tested, a contractor will have

to furnish a certificate from an acceptable laboratory certifying that the items furnished have been tested in accordance with, and conform to, the specified standards. Only firms whose products have not previously been tested to ensure the products meet the industry standards required under the solicitation will be required to submit a separate certificate. The information will be used to ensure that the items being purchased meet minimum safety standards and to protect VA employees, VA beneficiaries, and the public.

*Affected Public:* Business or other for-profit; Individuals and households; and Not-for-profit institutions.

*Estimated Annual Burden:* 50 hours.

*Estimated Average Burden Per Respondent:* 30 minutes.

*Frequency of Response:* On occasion.

*Estimated Number of Respondents:* 100.

Dated: March 19, 2001.

By direction of the Secretary.

**Donald L. Neilson,**

*Director, Information Management Service.*

[FR Doc. 01-8958 Filed 4-10-01; 8:45 am]

**BILLING CODE 8320-01-P**

## DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0587]

### Proposed Information Collection Activity: Proposed Collection; Comment Request

**AGENCY:** Office of Acquisition and Materiel Management, Department of Veterans Affairs.

**ACTION:** Notice.

**SUMMARY:** The Office of Acquisition and Materiel Management (OA&MM), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed reinstatement, without change, of a previously approved collection for which approval has expired, and allow 60 days for public comment in response to the notice. This notice solicits comments on the information needed to repair technical medical equipment and devices or mechanical equipment.

**DATES:** Written comments and recommendations on the proposed collection of information should be received on or before June 11, 2001.



**ADDRESSES:** Submit written comments on the collection of information to Donald E. Kaliher, Office of Acquisition and Materiel Management (95A), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 or e-mail [donald.kaliher@mail.va.gov](mailto:donald.kaliher@mail.va.gov). Please refer to "OMB Control No. 2900-0587" in any correspondence.

**FOR FURTHER INFORMATION CONTACT:** Donald E. Kaliher at (202) 273-8819.

**SUPPLEMENTARY INFORMATION:** Under the PRA of 1995 (Public Law 104-13; 44 U.S.C., 3501-3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, OA&MM invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of OA&MM's functions, including whether the information will have practical utility; (2) the accuracy of OA&MM's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

*Title:* Veterans Affairs Acquisition Regulation (VAAR) Clause 852.211-70, Service Data Manual (previously 852.210-70).

*OMB Control Number:* 2900-0587.

*Type of Review:* Reinstatement, without change, of a previously approved collection for which approval has expired.

*Abstract:* VAAR clause 852.211-70, Service Data Manual, is used when VA purchases technical medical equipment and devices, or mechanical equipment. The clause requires the contractor to furnish both operator's manuals and maintenance/repair manuals with the equipment provided to the Government. This clause sets forth those requirements and sets forth the minimum standards those manuals must meet to be acceptable. Generally, this is the same operator's manual furnished with each piece of equipment sold to the general public and the same repair manual used by company technicians in repairing the company's equipment. The cost of the manuals is included in the contract price or listed as separately priced line items on the

purchase order. The operator's manual will be used by the individual actually operating the equipment to ensure proper operation and cleaning. The repair manual will be used by VA equipment repair staff to repair equipment.

*Affected Public:* Business or other for-profit; Individuals and households; and Not-for-profit institutions.

*Estimated Annual Burden:* 2,500 hours.

*Estimated Average Burden Per*

*Respondent:* 10 minutes.

*Frequency of Response:* On occasion.

*Estimated Number of Respondents:* 15,000.

Dated: March 19, 2001.

By direction of the Secretary.

**Donald L. Neilson,**

*Director, Information Management Service.*

[FR Doc. 01-8959 Filed 4-10-01; 8:45 am]

**BILLING CODE 8320-01-P**

## DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900-0588]

### Proposed Information Collection Activity: Proposed Collection; Comment Request

**AGENCY:** Office of Acquisition and Materiel Management, Department of Veterans Affairs.

**ACTION:** Notice.

**SUMMARY:** The Office of Acquisition and Materiel Management (OA&MM), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed reinstatement, without change, of a previously approved collection for which approval has expired, and allow 60 days for public comment in response to the notice. This notice solicits comments on the information needed to ensure that equipment proposed by the contractor meets specification requirements.

**DATES:** Written comments and recommendations on the proposed collection of information should be received on or before June 11, 2001.

**ADDRESSES:** Submit written comments on the collection of information to Donald E. Kaliher, Office of Acquisition and Materiel Management (95A), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC

20420 or e-mail [donald.kaliher@mail.va.gov](mailto:donald.kaliher@mail.va.gov). Please refer to "OMB Control No. 2900-0588" in any correspondence.

**FOR FURTHER INFORMATION CONTACT:** Donald E. Kaliher at (202) 273-8819.

**SUPPLEMENTARY INFORMATION:** Under the PRA of 1995 (Public Law 104-13; 44 U.S.C., 3501-3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, OA&MM invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of OA&MM's functions, including whether the information will have practical utility; (2) the accuracy of OA&MM's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

*Title:* Veterans Affairs Acquisition Regulation (VAAR) Provision 852.211-74, Special Notice (previously 852.210-74).

*OMB Control Number:* 2900-0588.

*Type of Review:* Reinstatement, without change, of a previously approved collection for which approval has expired.

*Abstract:* VAAR provision 852.211-74, Special Notice, is used only in VA's telephone system acquisition solicitations and requires the contractor, after award of the contract, to submit descriptive literature on the equipment the contractor intends to furnish to show how that equipment meets specification requirements of the solicitation. The information is needed to ensure that equipment proposed by the contractor meets specification requirements. Failure to require the information could result in the installation of equipment that does not meet contract requirements, with significant loss to the contractor if the contractor subsequently had to remove the equipment and furnish equipment that did meet the specification requirements.

*Affected Public:* Business or other for-profit; Individuals and households; and Not-for-profit institutions.

*Estimated Annual Burden:* 150 hours.

*Estimated Average Burden Per Respondent:* 5 hours.

*Frequency of Response:* On occasion.  
*Estimated Number of Respondents:* 30.

Dated: March 19, 2001.  
 By direction of the Secretary.

**Donald L. Neilson,**  
*Director, Information Management Service.*  
 [FR Doc. 01-8960 Filed 4-10-01; 8:45 am]  
**BILLING CODE 8320-01-P**

## DEPARTMENT OF VETERANS AFFAIRS

### OMB Control No. 2900-0092

#### Agency Information Collection Activities Under OMB Review

**AGENCY:** Veterans Benefits Administration, Department of Veterans Affairs.

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C., 3501 *et seq.*), this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, has submitted the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden; it includes the actual data collection instrument.

**DATES:** Comments must be submitted on or before May 11, 2001.

**FOR FURTHER INFORMATION OR A COPY OF THE SUBMISSION CONTACT:** Denise McLamb, Information Management Service (045A4), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 273-8030 or FAX (202) 273-5981 or e-mail

to: [denise.mclamb@mail.va.gov](mailto:denise.mclamb@mail.va.gov). Please refer to "OMB Control No. 2900-0092."

#### SUPPLEMENTARY INFORMATION:

*Title:* Counseling Record—Personal Information, VA Form 28-1902.

*OMB Control Number:* 2900-0092.

*Type of Review:* Reinstatement, with change, of a previously approved collection for which approval has expired.

*Abstract:* A counseling psychologist uses the form to evaluate veteran claimants and assist eligible veterans to plan a suitable program of vocational rehabilitation. If needed, VA must develop a program of assistance and services to improve the veteran's potential to participate in vocational rehabilitation. VA must also provide counseling services to help a veteran or other beneficiary to select an educational, training, or employment objective.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published on September 14, 2000, at page 55679.

*Affected Public:* Individuals or households.

*Estimated Annual Burden:* 30,000 hours.

*Estimated Average Burden Per Respondent:* 30 minutes.

*Frequency of Response:* On occasion.

*Estimated Number of Respondents:* 60,000.

Send comments and recommendations concerning any aspect of the information collection to VA's OMB Desk Officer, OMB Human Resources and Housing Branch, New

Executive Office Building, Room 10235, Washington, DC 20503 (202) 395-7316. Please refer to "OMB Control No. 2900-0092" in any correspondence.

Dated: March 21, 2001.

By direction of the Secretary.

**Donald L. Neilson,**  
*Director, Information Management Service.*  
 [FR Doc. 01-8961 Filed 4-10-01; 8:45 am]

**BILLING CODE 8320-01-P**

## WOMEN'S PROGRESS COMMEMORATION COMMISSION

### Meeting

**AGENCY:** Women's Progress Commemoration Commission.

**ACTION:** Meeting notice.

**TIME AND DATE:** Monday, April 30, 2001; Noon to 6 p.m.

**PLACE:** The meeting site is the Allegro Hotel, 171 W. Randolph Street, Chicago, IL 60601.

**STATUS:** The meeting is open to the public.

**PURPOSE:** To hear testimony regarding an appropriate process for designating women's history sites and for raising public awareness about the sites across the country.

**CONTACT PERSON:** For further information, contact Beth Newburger, Executive Director of the Women's Progress Commemoration Commission. Phone number 202-418-3437.

**Beth W. Newburger,**  
*Executive Director.*  
 [FR Doc. 01-8872 Filed 4-10-01; 8:45 am]  
**BILLING CODE 6820-PF-P**



# Federal Register

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**Wednesday,  
April 11, 2001**

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## **Part II**

## **Department of Commerce**

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### **Economic Development Administration**

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**Economic Development Assistance  
Programs—Availability of Funds Under the  
Public Works and Economic Development  
Act of 1965, as Amended and the Trade  
Act of 1974, as Amended; Notice**

**DEPARTMENT OF COMMERCE****Economic Development Administration**

[Docket No. 991215339-1051-02]

RIN-0610-ZA14

**Economic Development Assistance Programs—Availability of Funds Under the Public Works and Economic Development Act of 1965, as Amended and the Trade Act of 1974, as Amended**

**AGENCY:** Economic Development Administration (EDA), Department of Commerce (DoC).

**ACTION:** Correction.

**SUMMARY:** This Notice provides current contact information, including new Internet addresses, for EDA Regional Offices and Economic Development

Representatives. The table below updates information provided in Section XIII of the Notice of Funding Availability published on March 14, 2001, Part III (66 FR 15001).

**DATES:** New Internet addresses become effective immediately.

**ADDRESSES:** Contact information for EDA Regional Offices and Economic Development Representatives (EDRs) is provided in the table below.

**FOR FURTHER INFORMATION CONTACT:**

Additional information on EDA programs is available on EDA's Web site at [www.doc.gov/eda](http://www.doc.gov/eda). For information on community and regional economic development projects, contact the Regional Office or EDR for your area as shown in the table below.

**SUPPLEMENTARY INFORMATION:** The table below provides current contact

information for EDA Regional Offices and Economic Development Representatives, and replaces Section XIII of the March 14, 2001, **Federal Register** Notice, Part III, beginning with the third column, bottom of page 66 FR 15005 through the end of the second column page 66 FR 15007. There are no other changes to the Notice of March 14, 2001, which remains in effect as is.

**XIII. EDA Regional Offices and Economic Development Representatives**

Effective immediately, the Internet addresses listed in the March 14, 2001, Notice of Funding Availability will change from "@doc.gov" to "@eda.doc.gov". The contact information below has been updated to show the new Internet addresses.

William J. Day, Jr., Regional Director, Atlanta Regional Office, 401 West Peachtree Street, N.W., Suite 1820, Atlanta, Georgia 30308-3510, Telephone: (404) 730-3002, Fax: (404) 730-3025, Internet Address: [wday1@eda.doc.gov](mailto:wday1@eda.doc.gov)

Economic development representatives	States covered
PATTERSON, Gilbert ..... 401 West Peachtree Street, NW. Suite 1820 Atlanta, GA 30308-3510 Telephone: (404) 730-3000 Internet Address: <a href="mailto:gpatterson@eda.doc.gov">gpatterson@eda.doc.gov</a>	Mississippi. Georgia.
HUNTER, Bobby D. .... 771 Corporate Drive, Suite 200 Lexington, KY 40503-5477 Telephone: (859) 224-7426 Internet Address: <a href="mailto:bhunter@eda.doc.gov">bhunter@eda.doc.gov</a>	Kentucky. North Carolina (Western).
DIXON, Patricia M. .... U.S. Department of Commerce-EDA North Carolina (Eastern). P. O. Box 1707 Lugoff, SC 29078 Telephone: (803) 408-2513 Internet Address: <a href="mailto:pdixon@eda.doc.gov">pdixon@eda.doc.gov</a>	South Carolina.
DENNIS, Bobby ..... 401 West Peachtree Street, NW. Suite 1820 Atlanta, GA 30308-3510 Telephone: (404) 730-3020 Internet Address: <a href="mailto:bdennis@eda.doc.gov">bdennis@eda.doc.gov</a>	Alabama.
TAYLOR, Willie C. .... 401 West Peachtree Street, NW. Suite 1820 Atlanta, GA 30308-3510 Telephone: (404) 730-3032 Internet Address: <a href="mailto:wtaylor5@eda.doc.gov">wtaylor5@eda.doc.gov</a>	Florida.
REED, Tonia ..... 401 West Peachtree Street, N.W. Suite 1820 Atlanta, Georgia 30308-3510 Telephone: (404) 730-3026 Internet Address: <a href="mailto:treed@eda.doc.gov">treed@eda.doc.gov</a>	Tennessee.

Pedro R. Garza, Regional Director, Austin Regional Office, 327 Congress Avenue, Suite 200, Austin, Texas 78701-4037, Telephone: (512) 381-8144, Fax: (512) 381-8177, Internet Address: [pgarza@eda.doc.gov](mailto:pgarza@eda.doc.gov)

Area directors	States covered
JACOB, Larry ..... Austin Regional Office 327 Congress Avenue, Suite 200 Austin, TX 78701-4037 Telephone: (512) 381-8157 Internet Address: <a href="mailto:ljacob@eda.doc.gov">ljacob@eda.doc.gov</a>	New Mexico. Oklahoma. Texas (Northwest).
FRERKING, Sharon T. .... Austin Regional Office 327 Congress Avenue, Suite 200 Austin, Texas 78701-4037 Telephone: (512) 381-8154 Internet Address: <a href="mailto:sfrerking@eda.doc.gov">sfrerking@eda.doc.gov</a>	Arkansas. Louisiana. Texas (Southeast).
SPEARMAN, Sam ..... 700 West Capital, Room 2509 Little Rock, AR 72201 Telephone: (501) 324-5637 Internet Address: <a href="mailto:sspearman@eda.doc.gov">sspearman@eda.doc.gov</a>	Arkansas.
DAVIDSON-EHLERS, Pamela ..... 501 Magazine Street, Room 1025 New Orleans, LA 70130 Telephone: (504) 589-4179 Internet Address: <a href="mailto:pdavidson@eda.doc.gov">pdavidson@eda.doc.gov</a>	Louisiana.

C. Robert Sawyer, Regional Director, Chicago Regional Office, 111 North Canal Street, Suite 855, Chicago, IL 60606, Telephone: (312) 353-7706, Fax: (312) 353-8575, Internet Address: [rsawyer@eda.doc.gov](mailto:rsawyer@eda.doc.gov)

Economic development representatives	States covered
ARNOLD, John B. III ..... 104 Federal Building 515 West First Street Duluth, MN 55802 Telephone: (1-888) 865-5719 (Illinois), (218) 720-5326 (Minnesota) Internet Address: <a href="mailto:jarnold@eda.doc.gov">jarnold@eda.doc.gov</a>	Illinois. Minnesota.
HICKEY, Robert F. .... Federal Building, Room 740 200 North High Street Columbus, Ohio 43215 Telephone: (1-800) 686-2603 (Indiana), (614) 469-7314 (Ohio) Internet Address: <a href="mailto:rhickey@eda.doc.gov">rhickey@eda.doc.gov</a>	Ohio. Indiana.
PECK, John E. .... P.O. Box 517 Acme, Michigan 49610-0517 Telephone: (231) 938-1712 Internet Address: <a href="mailto:jpeck@eda.doc.gov">jpeck@eda.doc.gov</a>	Michigan. Wisconsin.

Anthony J. Preite, Regional Director, Denver Regional Office, 1244 Speer Boulevard, Room 670, Denver, Colorado 80204, Telephone: (303) 844-4715, Fax: (303) 844-3968, Internet Address: [apreite@eda.doc.gov](mailto:apreite@eda.doc.gov)

Economic development representatives	States covered
ZENDER, John P. .... 1244 Speer Boulevard, Room 632 Denver, CO 80204 Telephone: (303) 844-4902 Internet Address: <a href="mailto:jzender@eda.doc.gov">jzender@eda.doc.gov</a>	Colorado. Utah.
CECIL, Robert ..... Federal Building, Room 823 210 Walnut Street Des Moines, IA 50309 Telephone: (515) 284-4746 Internet Address: <a href="mailto:bcecil@eda.doc.gov">bcecil@eda.doc.gov</a>	Iowa. Nebraska.
HILDEBRANDT, Paul ..... Federal Building, Room B-2 608 East Cherry Street Columbia, MO 65201 Telephone: (573) 442-8084 Internet Address: <a href="mailto:phildebrandt@eda.doc.gov">phildebrandt@eda.doc.gov</a>	Missouri. Kansas.

Economic development representatives	States covered
ROGERS, John C. .... Federal Building, Room 196 301 South Park Ave. Drawer 10074 Helena, MT 59626 Telephone: (406) 441-1175 Internet Address: <i>jrogers6@eda.doc.gov</i>	Montana. Wyoming.
JUNGBERG, Cip ..... Post Office/Courthouse 102 4th Avenue, SE, Room 216 P.O. Box 190 Aberdeen, South Dakota 57401 Telephone: (605) 226-7315 Internet Address: <i>cjungberg@eda.doc.gov</i>	South Dakota. North Dakota.

Paul M. Raetsch, Regional Director, Philadelphia Regional Office, Curtis Center, Independence Square West, Suite 140 South, Philadelphia, PA 19106, Telephone: (215) 597-4603, Fax: (215) 597-6669, Internet Address: *Praetsch@eda.doc.gov*

Economic development representatives	States covered
GOOD, William A. .... Philadelphia Regional Office The Curtis Center-Suite 140 South Independence Square West Philadelphia, PA 19106 Telephone: (215) 597-0405 Internet Address: <i>wgood@eda.doc.gov</i>	Delaware. District of Columbia.
AUBE, Michael W. .... USDOC/EDA Federal Building 202 Harlow Street, Suite 232 Bangor, ME 04401-4656 Telephone: (207) 945-6985 Internet Address: <i>Maube@eda.doc.gov</i>	Connecticut. Maine. Rhode Island.
POTTER, Rita V. .... 143 North Main Street, Suite 209 Concord, NH 03301-5089 Telephone: (603) 225-1624 Internet Address: <i>rpotter@eda.doc.gov</i>	New Hampshire. Massachusetts.
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[www.eda.doc.gov](http://www.eda.doc.gov)

Dated: April 4, 2001.

**Mary C. Pleffner,**

*Acting Assistant Secretary for Economic  
Development.*

[FR Doc. 01-8874 Filed 4-10-01; 8:45 am]

**BILLING CODE 3510-24-U**





# Federal Register

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**Wednesday,  
April 11, 2001**

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## **Part III**

## **Department of Labor**

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**Office of Labor Management Standards**

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**Interpretation of the “Advice” Exemption  
in Section 203(c) of the Labor-  
Management Reporting and Disclosure  
Act; Notice**

**DEPARTMENT OF LABOR****Office of Labor-Management Standards****Interpretation of the "Advice" Exemption in Section 203(c) of the Labor-Management Reporting and Disclosure Act**

**AGENCY:** Office of Labor-Management Standards, Employment Standards Administration, Labor.

**ACTION:** Notice of rescission of revised statutory interpretation.

**SUMMARY:** The Department is rescinding the revision of an interpretation of the "advice" exemption in section 203(c) of the Labor-Management Reporting and Disclosure Act of 1959, as amended (LMRDA) published in the **Federal Register** on January 11, 2001. This action is being taken because, after review of the revised interpretation, the Department has concluded that the prior longstanding interpretation is the more appropriate one. Accordingly, as a matter of enforcement policy, the Department will not apply the revised interpretation.

**EFFECTIVE DATE:** The Notice published on January 11, 2001 at 66 FR 2782 is rescinded as of April 11, 2001.

**FOR FURTHER INFORMATION CONTACT:** Kay H. Oshel, Chief, Division of Interpretations and Standards, Office of Labor-Management Standards, Employment Standards Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N-5605, Washington, DC 20210. (202) 693-1233 (this is not a toll-free number).

**SUPPLEMENTARY INFORMATION:** The Secretary of Labor administers the Labor-Management Reporting and Disclosure Act of 1959, as amended (LMRDA), Public Law 86-257, 73 Stat.

519-546, codified at 29 U.S.C. 401-531. Sections 203(a) and (b) of the LMRDA, 29 U.S.C. § 433(a) and (b), require employers and other persons to file certain reports with the Department of Labor in connection with persuading employees about the right to organize and bargain collectively. LMRDA section 203(c) creates an exemption from these reporting requirements if the consultant's activity is limited to "giving or agreeing to give advice" to an employer.

Since 1962, the Department has construed "advice" to include not only a consultant's review of persuasive material prepared by the employer and comments thereon, but also the consultant's preparation of material for the employer, so long as the employer is free to accept or reject the material. On January 11, 2001, the Department published a notice in the **Federal Register** (66 FR 2782) revising its interpretation of section 203(c) of the LMRDA. Under the revised interpretation, section 203(c) would exempt employers and labor relations consultants from the reporting otherwise required by sections 203(a) and (b) if the consultant reviews and revises persuasive material prepared by the employer but not if the consultant prepares or provides the material.

On February 9, the Department published a notice in the **Federal Register** (66 FR 9724) delaying the implementation date of the revised interpretation for 60 days, from February 10, 2001 to April 11, 2001, in order to enable Department officials to review and consider the matter. That notice was issued in accordance with the memorandum of January 20, 2001 from the Assistant to the President and Chief of Staff, entitled "Regulatory Review Plan," published in the **Federal**

**Register** on January 24, 2001 (66 FR 7702).

The notice of January 11, 2001, set forth two reasons for revising the longstanding interpretation of LMRDA section 203(c): (1) "the textual basis for the prior interpretation is dubious" in that it "is in tension with the ordinary meaning of the term 'advice'"; and (2) the prior interpretation "has harmed the effectiveness of the LMRDA in requiring disclosure of persuader activities."

Upon review and reconsideration of the revised interpretation, the Department has determined that the revision is not warranted or justified. The evidence and argument presented in the notice of January 11, 2001 is insufficient to support the conclusion that the interpretation of the term "advice" taken since 1962 is inconsistent with the ordinary understanding of that term or that it is inconsistent with the intent of the LMRDA reporting requirements. See also *International Union, UAW v. Dole*, 869 F.2d 616, 618-620 (D.C. Cir. 1989) (interpretation taken since 1962 is a permissible interpretation of the statute). Moreover, the revision of the Department's longstanding interpretation was made without the benefit of input from all the parties most directly affected by the change in the reporting requirements.

Consequently, the revised interpretation of LMRDA section 203(c) issued on January 11, 2001 is rescinded and the former interpretation is reinstated.

Signed at Washington, DC this 6th day of April, 2001.

**Joe N. Kennedy,**

*Acting Assistant Secretary of Labor for Employment Standards.*

[FR Doc. 01-9036 Filed 4-10-01; 8:45 am]

**BILLING CODE 4510-86-P**



# Federal Register

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**Wednesday,  
April 11, 2001**

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## **Part IV**

## **The President**

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**Proclamation 7423—Jewish Heritage  
Week, 2001**



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# Presidential Documents

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Title 3—

Proclamation 7423 of April 9, 2001

The President

Jewish Heritage Week, 2001

**By the President of the United States of America****A Proclamation**

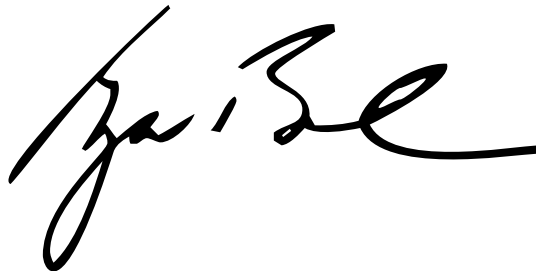
Americans have long cherished our identity as a Nation of immigrants. The shared values and aspirations of those who have come to America's shores have helped to shape our culture, laws, and government.

The Jewish community has played a vital role in our Nation's history, tracing back to colonial times. Many were active in supporting the Revolutionary War and in settling new territories and cities during America's westward expansion. Although initially a small community, in time, millions of Jewish men, women, and children followed. In fleeing persecution, pogroms, and the horrors of the Holocaust, they sought a new life in the United States where they could worship in freedom and pursue their hopes and dreams in peace. The many oppressions historically borne by the Jewish people remind us that we must remain committed to religious liberty and tolerance for all.

As we celebrate Jewish Heritage Week, we also recall the lasting contributions that Jewish Americans have made to the arts, education, industry, and science. Many of their names are inscribed in America's textbooks, and the Jewish community's rich heritage and culture continues to enrich our society's national fabric. In many communities large and small, Jewish families have shared their resources, time, and talent to help others. Their contributions to our national life and character help make America a better place.

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim April 22 through 29, 2001, as Jewish Heritage Week. I urge all Americans to join in observing this week with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of April, in the year of our Lord two thousand one, and of the Independence of the United States of America the two hundred and twenty-fifth.



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#### **LIST OF PUBLIC LAWS**

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#### **S.J. Res. 6/P.L. 107-5**

Providing for congressional disapproval of the rule submitted by the Department of Labor under chapter 8 of title 5, United States Code, relating to ergonomics. (Mar. 20, 2001; 115 Stat. 7)

**Last List March 20, 2001**

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